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We, Europe and the rest

EU discourse(s) at work in environmental politics

Een wetenschappelijke proeve op het gebied van de Managementwetenschappen

Proefschrift

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*I met Ferdinand De Saussure
on a night like this
on love he said, I'm not so sure
I even know what it is
no understanding, no closure
it is a nemesis
you can't use a bulldozer to study orchids*

(The Magnetic Fields, 'The Death of Ferdinand de Saussure')

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Prologue

On April 23, 2008 the European Union (EU) overstepped its mark. Before that date, Europeans had tolerated the many outrageous policies that 'Eurocrats' had imposed upon them. They had endured newspaper headlines informing them that 'THE RIDICULOUS EU WANT TO BAN BARMAIDS FROM WEARING REVEALING TOPS' (News of the World from August 7th, 2005, see N.N., 2008), that the 'EU WANTS TO BAN MILLIONAIRE' (Uhlir, 2003), and that 'LUDICROUS EU OFFICIALS [are] READY TO BAN YOGHURT' (Carey, 2003).

On April 23, 2008, however, 'Brussels' went beyond the limits of what was acceptable. On this day, the media uncovered the 'EU's secret plot to abolish Britain' (Hall, 2008) – a plan that intended no less than 'to carve up Britain into a United States of Europe' (Hartley, 2008)¹.

In this book, it is not my intention to discuss these newspaper headlines. I do not intend to speculate whether we can really expect the United Kingdom (UK) to 'disappear altogether as a recognised nation' (Hall, 2008). Nor do I want to reflect on the general quality of the media in the UK, the EU, or elsewhere. Rather, by citing these headlines I would like to illustrate how we have come to think about the EU: as an entity whose main occupations are imposing measures that 'we' do not want to follow and seizing Member State powers that 'we' do not want to relinquish.

We encounter this way of thinking in our everyday lives, in discussions with our friends and our neighbours. More importantly, however – we also encounter it in wide parts of what is commonly called the field of European Integration Studies (EIS).

To be certain, EIS is a vast field and is composed of different approaches and schools of thought. The common denominator of EIS research is merely its object, the European Union in the widest sense. Yet, when considering the overall diversity of the field, it is puzzling to find that many EIS publications share certain 'conventional' assumptions about the EU's 'inner life'. These assumptions revolve around the notion that EU Member States, on the one hand, and EU institutions (such as the European Commission or the European Parliament), on the other hand, naturally conflict. The general impression that has been conveyed is that, throughout the past decades of

¹ For a background, see http://ec.europa.eu/unitedkingdom/press/euomyths/myth167_en.htm.

European integration, EU Member States and EU institutions have incessantly fought over – to put it in the words of Harold Dwight Lasswell – ‘who gets what, when, how’ (Lasswell, 1936). The distribution of competences between the actors is depicted as a continuous bone of contention, opposing EU institutions (which strive to gain a maximum of power) and Member States (which try to defend their sovereignty).

Although this is a view that is widespread in EIS, it triggers several questions. When scholars, for instance, interpret something as a competence struggle between ‘Brussels’ and the Member States – where does this interpretation derive from? To what extent is it an interpretation shared by policymakers involved in the conflict? In what terms should they depict what is transpiring?

The answers to these questions are highly relevant, regardless of their material outcome. If policymakers join scientific literature in depicting policy-making in the EU as a competence struggle – that is, if this is the dominant pattern of ‘meaning making’ – this would in fact force us to re-consider the ‘European project’. Why should Europeans still want to engage in something that is obviously a source of great frustration? If, however, there is a discrepancy between the interpretations that scientists have and the interpretations of those whose actions they analyse, then we as scientists may need to rethink our presuppositions and be open to alternative ways of meaning making in the context of EU politics.

The book you have before you seeks to analyse to what extent the intrinsic conflictuality between EU Member States and EU institutions is indeed part of the lifeworld of EU policymakers. Against this backdrop, it is driven by an eagerness to give a possible answer to the questions raised above. To do so, the basic and very simple idea is to trace the patterns of meaning making and identity formation of policymakers involved in EU decision-making. These patterns will be compared to the patterns of interpretation suggested by ‘conventional’ EIS, i.e. those parts of EIS which presuppose an intrinsic conflict between EU institutions and EU Member States and regard this conflict as all-pervasive in EU politics.

As EU policy-making is too extensive to be analysed in its entirety for these purposes, I have limited my research to EU environmental politics and specifically to two cases: climate change politics and green biotechnology politics. What predisposes EU environmental politics as a field, and climate change and green biotechnology as cases, is that they are ‘normal, yet salient’. Environmental politics is an everyday field

of EU politics. The attention it has so far attracted has varied over time (Sbragia, 2000: 294). It belongs to the large bulk of fields in which what has become the 'normal' mode of EU decision-making (co-decision²) applies. Environmental politics has not stopped at the EU borders; instead, the EU has become party to the myriad of Multilateral Environmental Agreements (MEAs) that exist on the international level. On both levels and in both cases, issues have at times been highly neuralgic, and fierce controversies have resulted. To what extent do these controversies fit into the pattern depicted by conventional EIS? What other patterns can be detected? Furthermore, as EU environmental politics is no longer restricted to its 'home base' we might wonder whether patterns of interaction vary as we advance from one level to the other.

To answer these questions, interviews have been conducted with policymakers who have been central in either climate change or green biotechnology politics during the past 25 years, which is when both fields emerged in EU politics. To trace the patterns of meaning making and identity formation, these interviews have been the object of discourse analysis.

During this analysis, alternative patterns of meaning making and identity formation have indeed emerged for both cases. On the EU level, loyalties and identities have often formed *across* EU institutions and Member States. Internationally, a *collective* European identity has developed in both cases. Thinking and acting in terms of 'Brussels' vs. 'the Member States' still exists, but it is by no means the dominant way of meaning making and identity formation.

This book follows a very simple outline. Chapter 1 aims to give a more precise notion of 'conventional' EIS, highlighting its presuppositions. Chapter 2 introduces discourse theory as a framework for analysing the patterns of meaning making and identity formation of key policymakers in either of the cases selected, whereas chapter 3 explains the methodological choices that have been made in the context of this research. Chapters 4, 5 and 6, 7 give an account of the analyses per case and per level. Chapters 4 and 5 analyse EU climate change politics on both the international and the EU level; chapters 6 and 7 similarly examine EU politics in the field of green

² In the co-decision procedure, 'the EP and the Council have equal power in the adoption of ... pieces of EU legislation' (Caramani, 2008: 590). Today, approximately fifty per cent of the legal acts that the EU adopts per year previously passed a co-decision procedure (for more details, see Caramani, 2008: 590f).

biotechnology. Chapter 8 contains both a summary as well as a comparison of the findings. The book closes with a short epilogue.

PART I Theoretical and methodological framework

1. THE EUROPEAN UNION ACCORDING TO 'CONVENTIONAL EIS'

In the prologue, the claim is made that many researchers in the field of EIS have proceeded on the same assumptions up until now. They have presupposed a competence conflict between Member States and EU institutions and, in this context, they have equated formal-institutional competences with more abstract notions such as power or authority. Hence, researchers have often seen a 'loss' of competences as a 'loss' of sovereignty. EU Member States have been presented as an entity ('the' Member States), as has been any of the institutions ('the' European Parliament). These monolithic entities have, in turn, been linked to monolithic preferences. EU institutions have been deemed eager to enhance their powers by pushing EU integration. Member States, in turn, have been regarded as trying to defend their sovereignty against the 'attacks' from EU institutions.

To be certain, not all scientific output in EIS emanates from research that has adopted these assumptions, with numerous books and articles taking a more nuanced stance. Nevertheless, I argue that the pervasiveness of this conglomerate of assumptions – in its integrity or in singular pieces – begs the question whether or to what extent these assumptions have restrained the scope of how the EU is or how the EU can be conceived within EIS.

This chapter highlights different dimensions of conventional EIS. To start with, an overview is given of its historic development. Subsequently, its individual assumptions and their interrelations are scrutinised. This is followed by a section which traces the success and the pervasiveness that this way of seeing the EU has attained in EIS over the years. In a further step, examples are provided of the criticism conventional EIS attracted from within EIS, before the chapter ends with remarks on the status and relevance of conventional EIS for this research.

The historical development of 'conventional EIS'

The tendency to reduce EU policy-making to a struggle between EU institutions and EU Member States can be related to early developments within the field of EIS.

During its first few decades as a scientific domain, EIS was largely structured by the theoretical rivalry between neo-functionalism and intergovernmentalism. Despite the various nuances that had been inherent in the first versions of these approaches, neo-functionalism and intergovernmentalism were subsequently cut up into small portions that were more easily digestible. For instance, Mark Pollack asked in his 1997 article whether the EU was

characterized by continued Member State dominance or by a runaway Commission and an activist Court progressively chipping away at this dominance? These questions have divided the two traditional schools of thought in regional integration, with neo-functionalists generally asserting, and intergovernmentalists generally denying, any important causal role for supranational institutions in the integration process. (Pollack, 1997: 99)

Originally, however, the basic question posed by neo-functionalists and intergovernmentalists had merely been whether EU institutions had an autonomous causal role in the process of EU integration. This means that, in his account, Mark Pollack added a twist to the approaches which, previously, had not been there. Firstly, he depicted playing such an autonomous causal role as a *strategic intention* of EU institutions. Secondly, he depicted such an autonomous role as synonymously detrimental for the Member States as a group or entity.

This 'distortion' of neo-functionalism and intergovernmentalism has been a recurrent feature in EIS and it has had a palpable impact on later generations of theoretical approaches in EIS. Even when neo-functionalism and intergovernmentalism were no longer fashionable in EIS, the controversial reading that had gradually been associated with them persisted. Nowadays, multi-level governance (MLG) is seen to have taken over the role of neo-functionalism (Marks, Hooghe, & Blank, 1996), whereas 'state-centric' approaches such as Andrew Moravcsik's liberal intergovernmentalism (See Moravcsik, 1998) are regarded as legitimate successors of previous versions of intergovernmentalism. Again, these approaches are depicted as opposing each other on the issue of whether supranational institutions have managed to loosen the grip that Member States allegedly had on them, and whether they have managed to seize Member State competences. Hence, the assumption that an intrinsic conflict exists between the EU institutions and the Member States has defied the ravages of time.

The allocation of roles in 'conventional EIS'

Although state centric and MLG approaches are commonly seen as contenders, their basic texts rely on the same metaphor for portraying relations within the EU. They depict Member States and EU institutions as engaged in a principal-agent (PA) relationship. For both approaches, the allocation of roles in this relationship is self-evident:

[T]he EU Member States are naturally regarded as principals, and the key question is to what extent supranational agents may take advantage of their discretionary powers to pursue their own policy preferences and promote integration against the wishes of national governments – an issue which, as is known, occupies a central place in European integration literature

What the principals fear most is the emergence of a variant of 'political drift', in which agencies are somehow 'captured' by one of their institutional rivals in the leadership contest. Thus, as a rule, even where national governments accept the necessity of enhancing European cooperation, they tend to oppose the granting of more significant powers to the Commission. (Dehousse, 2008: 791, 796)

According to this depiction, EU institutions, especially the Commission, have a 'natural' tendency to exploit their advantage. They satisfy their hunger for more power by pushing for more integration:

Supranational actors, particularly the European Commission, have an institutional self-interest in driving integration forward, which may come into conflict with the institutional self-interests of the national bureaucracies emphasized in intergovernmentalist explanations The Commission's intrinsic interest in regulation at a high level is related to its self-interest in achieving a profile as a political actor ... the pursuit of a more active political role favours innovative forms of regulation which go beyond the Member States' traditional approaches, as well as extensions of Community authority into new regulatory areas such as consumer protection, environmental protection and occupational health. At the same time, this strategy will also satisfy institutional self-interest in maximizing the Commission's authority and resources. (Eichener, 1997: 598, 599)

The Commission not only executes the Member States' will on the international scene, it also works independently towards increasing its external competences. (Woll, 2006: 53)

In addition to the Commission, scholars have repeatedly suspected the European Court of Justice (ECJ) of agency slippage³. In fact, a whole branch of literature has dedicated itself to the 'activist court', as it has been referred to in one of the citations mentioned earlier. To give some examples, 'Burley and Mattli (1993), Mattli and Slaughter (1998), and Stone Sweet and Caporaso (1998) all relied on a neofunctionalist argument, suggesting that the court systematically, through its decisions, pushes for further integration' (Hug, 2003: 54).

Not only have the Commission and the ECJ been accused of exploiting their advantage independently from one another; frequently, scholars have also asserted that the two institutions conspire for their mutual interests:

Studies of telecommunications ... argue that the Commission took the initiative and persuaded or obliged national governments to accept its role; it did so by applying its legal weaponry, in alliance with the ECJ. (Thatcher, 2001: 559)

The Commission is a "purposeful opportunist" ... which works in collaboration with other maximalist actors such as the ECJ to clear bottlenecks in the policy process and extend the scope of EU competence to new domains. (Jordan, 1998: 14)

The powers that the Union is able to exercise were either delegated by the governments of the Member States, or were usurped by the Commission and the Court through interpretations of Treaty provisions which exceeded the original intent of the contracting governments. (Scharpf, 2001: 5)

According to Burley and Mattli, the Court has been able to promote European integration throughout its existence by insisting that it is only implementing the law, as opposed to playing politics They also consider the Commission to be an important partner for the Court when it comes to furthering European legal integration. (Tsebelis & Garrett, 2001: 362)

The European Parliament (EP) has less frequently been mentioned as the Commission's partner in crime, and has usually been less exposed to accusations of slippage. Nevertheless, for sub-fields such as environmental politics, it has repeatedly been depicted as the Commission's 'natural ally' (Strøby-Jensen, 2006: 93). Moreover, one could assume that the EP has a 'natural' inclination for competence expansion

³ In cases of 'agency slippage', agents follow their own preferences, which diverge from those of its principal.

similar to that of the ECJ and Commission. Indeed, in their 2005 article, Michael Kaeding and Thorsten Selck claim that '[t]he Commission and the European Parliament are much more favorably disposed towards increased integration than the Council members are' (Kaeding & Selck, 2005: 271).

Just as scholarly literature mostly describes EU institutions as agents who try to expand their competences through agency slippage, Member States are normally ascribed the role of principals who attempt to defend their upper hand. These principals are menaced by the agents' aggression or, to put it in other words, the 'nation-states of Europe are threatened ... by the rise of supranational authorities' (Alesina & Wacziarg, 1999: 1).

Many scholars do not only deem Member State competences to be at stake in these struggles. Rather, they assert that the attacks from 'Brussels' hit what is seen to be the Member States' marrow of existence: their sovereignty. Bob Jessop, for instance, states that we witness

[a] gradual loss of the *de jure* sovereignty of national states in certain respects as rule- and/or decision-making powers are transferred upward to supranational bodies and the resulting rules and decisions are held to bind national states. (Jessop, 2004: 64)

Member States, however, are fighting back, defending their 'territory':

[N]ational states seek to control what powers of competencies go up, down, or sideways and to exercise this control so as to enhance their capacities to realize current state projects; and they also seek ... to retain the competence to revoke such transfers of powers and/or to implement them in ways that do least damage to their capacity to secure institutional integration and social cohesion with their corresponding territories. (Jessop, 2004: 64)

With different control mechanisms, in particular over the Commission, governments take care that delegated competencies cannot easily be used against their own interest. (Schmidt, 2000: 41)

The scholars cited so far all display a shared conviction of how relations between EU institutions and Member States are structured. They depict an ongoing struggle within the EU – a struggle in which Member States have to defend themselves, and their sovereignty, against the threat of EU institutions to expand their realms of competence. This conflict is portrayed as echoing institutional affiliation, or, more

precisely, as echoing the dividing line between being a state and not being a state. After all, (Member) states have to repel attacks that are launched by non-states. Given the fixed and clashing preferences of both states and non-states, these contentions cannot be pre-empted. It therefore seems that the EU is intrinsically and necessarily conflictual.

The success story of 'conventional EIS'

Gradually, competence conflicts between EU Member States and EU institutions became a true topos of EIS, as many scholars conceived them to be all-pervasive and dominant even in the fields of everyday politics. This enabled the development of a new branch of research, in which the question of whether EU Member States or EU institutions had 'won' in a particular instance of policy-making became central.

In the domain of environmental politics, the packaging waste directive was taken as a testing field to find out whether 'EC integration strengthens the state, or rather empowers supranational institutions at the expense of national sovereignty' (Golub, 2002: 217).

In the same vein, Nigel Haigh depicted the participation of EU Member States and the Commission in international climate change conventions as leading to quarrels about the legal arrangements that apply. According to him, these conflicts 'can be seen as an aspect of the continuing power struggle between the EC institutions and the Member States' (Haigh, 1996: 155). Haigh claimed that, in the context of international climate change negotiations, '[t]he question of loss of national sovereignty is a concern of all Member States though some express the concern more openly than others' (Haigh, 1996: 177).

For the field of biodiversity, Jenny Fairbrass and Andrew Jordan asserted that

[t]he Commission was particularly assiduous in its efforts to expand the EU's competence in this policy sphere National and international environmental groups have served as the Commission's "eyes and ears" at the national level, by identifying implementation failures. It was these failures that allowed the courts (national and European) to become involved. The ECJ's rulings maintained and, on occasions, even expanded the *acquis*. Despite the best efforts of Member States to recapture control over policy ... the emerging case law continues to place constraints on their autonomy

and Member States have been unable to monopolize policy development in the EU. (Fairbrass & Jordan, 2001: 513f)

Other policy fields also served as a fecund source for examples of inner-European conflict. According to Ian Bache, regional policy

provided a particularly good example of the conflict between Commission preferences and those of national governments. The Commission has pushed for control over a policy with significant redistributive effects, while national governments have resisted Commission autonomy and sought to control the redistributive impact. (Bache, 1999: 8)

This study does not want to dismiss such statements and claims *prima facie*. They might match the perception of policymakers who were involved in the specific cases of decision-making. However, researchers who asserted the existence of a conflict between the EU institutions and the EU Member States in the past often did not refer to reports of policymakers. Instead, they simply presupposed that such conflicts dominated policy-making in general. (Hug, 2003: 48, see also following section)

It can be argued that such presuppositions overshadowed alternative interpretations and propelled EIS research in one particular direction. Instead of treating meaning making and identity formation in EU politics as an object of research, scholars assumed that EU actors thought and acted according to a standard pattern.

Critique

This has been criticised within the field of EIS in the past. Mark Thatcher, for instance, stated that his experiences in the field of EU telecommunications did not match the conventional presuppositions of his peers:

As in any partnership there were disagreements and debates between the Commission and governments. However, those over the substance of EC legislative proposals were limited: they were not concerned with its central principles but rather the speed of change and the extent of EC liberalization and re-regulation. Moreover, conflicts were not between the Commission on the one side and national governments on the other. Instead there were divisions among Member States, with the same countries favouring greater EC action on some subjects (for instance,

'liberal' states on competition) but seeking to restrict it on others (notably in re-regulation). (Thatcher, 2001: 573)

Thatcher concluded that he still believed that applying principal-agent frameworks in EIS made sense, but that 'such frameworks should not assume that conflict between the Commission and national governments is a necessary feature of EC decision-making' (Thatcher, 2001: 577).

Hussein Kassim and Anand Menon were equally dissatisfied with how PA had been applied up until then:

The assumption that either Member States or supranational institutions are unitary actors is extremely questionable. The level of analysis selected by the authors discussed may make this assumption attractive, but even as a convenient fiction it is problematic. Moreover, the focus on Member State control of process and institutions ... precludes from the outset the possibility of trans-institutional alliances, such as the coalitions constructed with the Commission by Member States that are keen to multilateralize their national policy preferences. (Kassim & Menon, 2003: 133)

Kassim and Menon explicitly linked this lacuna to the theoretical dynamics in EIS, arguing that both intergovernmentalists and neo-functionalists

will construe the relationship between Member States and supranational institutions in conflictual terms – a view that neglects the policy dimension and asserts the transfer of sovereignty is always the central issue (Menon 2002) and disregards the image of EU decision-making, increasingly championed by scholars and practitioners, as co-operative (Wessels 1996; Lewis 1998, 1999) and consensual (Mazey and Richardson 1995). (Kassim & Menon, 2003: 133)

Not only assumptions on the unity of actors or the EU's intrinsic conflictuality attracted criticism; Simon Hug found additional fault in how preferences were simply postulated:

Few, if any, authors deal directly with the endogenous nature of preferences of supranational actors. Much more common are implicit or explicit assumptions about the integrationist preferences of the ECJ ... the Commission ... and the EP (e.g., Crombez, 1996; Tsebelis, 1994). These important assumptions, subscribed to in many studies of European integration, are hardly substantiated in empirical work, which in addition is rather scarce. With the notable exception of work on the EP using survey

data, roll call votes, or expert surveys, we know very little about the preferences that supranational actors might have over policies. (Hug, 2003: 48)

Hug thus asserted that assumptions that belonged to the core convictions of conventional EIS did simply not bear any scientific proof.

Conclusion

The assumptions on which 'conventional' EIS is based are by no means exclusive to the scientific realm. They are ubiquitous in 'the real world', and as such confront us in the media just as in parliamentary debates or everyday conversations with neighbours and friends. Conventional EIS has not only adopted presuppositions about an inherently conflictual EU in a rather uncritical manner, but it has also emboldened them by turning them into *scientific* arguments.

Over time, these presuppositions have led to a certain tunnel view in parts of EIS. In many cases, policy fields have been used as testing sites for 'who won and who lost' in the seemingly eternal fight between EU institutions and EU Member States. It can be argued that in conventional EIS alternative interpretations have played a secondary role or have not even been considered.

This overview has not been written in order to debunk a large proportion of what constitutes EIS. Rather it helps to convey a clearer notion of my own research project and of the main question it seeks to address. Given the pervasiveness that conventional readings of the EU and of EU policy-making have attained, to what extent can we say that they also serve as an interpretative screen for those who are actually involved in EU policy-making processes?

This means that, in the context of EU policy-making, I will need to re-problematise 'the existence of subjects themselves, their positioning vis-à-vis one another, and the "reality" that made certain structures and meanings possible' (Doty, 1993: 305). For all of these dimensions, the interpretations dominant in conventional EIS are just some among many conceivable possibilities of meaning making and identity formation. To what extent 'conventional' interpretations have also been dominant among policymakers, and to what extent these interpretations have shaped the

policy-makers' attitude and behaviour, needs to be investigated. To this end, I will make use of discourse theory and discourse analysis.

2. SEEING THINGS DIFFERENTLY: DISCOURSE THEORY AND ANALYSIS

When exactly did discourse theory arrive in EIS, or if it has even arrived at all, is hard to say. Ten years ago, the authors of a special issue of the *Journal of European Public Policy* did not think it had. They asserted that there was not very much 'reflectivist' research on European integration, i.e. research employing discourse theory or other approaches with a non-rationalist meta-theory (T. Christiansen, Jorgensen, & Wiener, 1999: 532).⁴

Today, such a statement seems slightly dated as we are confronted with a new academic 'reality' of discourse theory (DT). First, discourse theory has become a buzzword in both EIS and its neighbouring disciplines, although in many instances, DT's post-structuralist baggage has been left behind. Second, a substantial number of current EIS works are based on DT (see Thomas Diez, 2001; Howarth & Torfing, 2005; Waever, 2004). Finally and equally important, DT in EIS has grown sufficiently to generate different strands. Thomas Diez, for example, considers DT an integral part of both the 'Copenhagen School' and the 'Governance School' (Thomas Diez, 2001: 10f).

That said, EIS still seems slightly uneasy with DT's appearance. Much of this discomfort has seemingly been taken over from the neighbouring field of International Relations (IR), where DT earlier appeared and aroused academic suspicion. Both in EIS and IR, scholars have often meticulously distinguished social constructivism from discourse theory and other kinds of 'reflectivism'. They asserted that social constructivism disagreed strongly with these approaches on questions of epistemology, as social constructivism in IR and EIS retains 'an epistemological commitment to truth-seeking, and the belief that causal generalization in the form of middle range theories ... is possible' (Risse & Wiener, 1999: 776).

Social constructivists such as Alexander Wendt distanced themselves from approaches which, like discourse theory, qualified as 'some exotic (presumably Parisian) social theory' (Wendt as cited in Smith, 1999: 884). Emmanuel Adler explicitly warned that his peers needed 'to distinguish between the claims of

⁴ At the time, EIS scholars in search for 'new' approaches seemed to prefer 'lighter' versions of social constructivist research (T. Christiansen et al., 1999: 532).

constructivism and those raised by more radical interpretivists' (Adler, 1997: 320). Both in IR and EIS, discourse theory, in particular, and post-structuralism, in general, became 'established as a 'school' with extreme views' (Waever, 2004: 197).

As discourse theory still ranks among the more disputed approaches in EIS and its neighbouring fields, it is arguably under more pressure to justify and to legitimate itself than other approaches. This is exacerbated by the fact that EIS mainstream has continuously striven for EIS to become what is commonly called a 'normal' science by emulating 'hard science' objectives and standards. Discourse theory, hence, appears to embody everything that the discipline has sought to overcome, especially as DT seemingly follows an overarching and all-penetrating 'anything goes' maxim.

Although, admittedly, much 'goes' in discourse theory, DT-inspired works are not necessarily arbitrary. Discourse theory stimulates research that is more self-reflecting in its approach, more open about the choices it makes, and less authoritarian in its statement(s). In this spirit, this chapter aims to be as transparent as possible about the theoretical positioning of this work. To this end, the first section of this chapter will provide an overview of the different strands of discourse theory, and argues for the choice of the *post-structuralist* variant from the many discourse theoretical options. The following section concentrates on the ontological and epistemological underpinnings of this variant. The reader is then introduced to its nomenclature. This nomenclature not only represents a specific jargon but also serves as the theoretical/conceptual framework of post-structuralist discourse theory. In a last step, a link is made to the methodological chapter that follows, by focusing and elaborating on the relation between discourse theory on the one, and discourse analysis (DA) on the other hand. A conclusion summarises the major theoretical insights that have been gained.

So many discourses, so many theories

According to the reigning academic attitude, 'discourse is what scholars make of it'. This assumption is buttressed by the sheer number of different approaches that are attributed to discourse theory or discourse analysis. In a book co-edited with David Howarth, Jacob Torfing categorises these approaches into different generations of discourse theory. According to Torfing, these discourse generations vary 'both

according to their understanding of discourse and their understanding of the imbrication of language and political power struggles' (Torfing, 2005a: 5).

In Torfing's categorisation, the first and most 'unpolitical' generation of discourse theory mostly emphasises the linguistic dimension of discourse and focuses on semantic aspects of spoken or written texts. This focus becomes apparent in the first generation's methodological approaches, which are content or conversation analysis.

The second generation of discourse theory includes protagonists from Michel Foucault to the foremost representatives of Critical Discourse Analysis (CDA) such as Norman Fairclough. Although the idea of discourse in their works embraces a wider set of social practices than the first generation of DT, it is still linked to the notion of talk or text: 'Discourse is defined as an empirical collection of practices that qualify as discursive in so far as they contain a semiotic element' (Torfing, 2005a: 7). For the second generation, discourse is only one limited sub-set of social practices and is interrelated or subordinate to extra-discursive elements. In CDA, for instance, discourse is greatly reduced to a linguistic mediation of 'socio-economic reality(ies)' (Torfing, 2005a: 7). However, the fact that CDA considers these 'realities' at all indicates that the second generation of discourse theory gives considerably more attention to the political nature of discourse than its predecessor.

Finally, Torfing defines the third DT generation – post-structuralist DT – as having an even wider notion of discourse than the first two generations: 'The third generation of discourse theory further extends the notion of discourse so that it now covers all social phenomena' (Torfing, 2005a: 8). Here discourse is conceived as something intrinsically and fundamentally political, as it is produced 'through historical and ultimately political interventions' (Torfing, 2005a: 8).

The notion of linearity and development that are inherent in Torfing's portrayal of discourse theory can be criticised for obscuring the more chaotic composition of discourse theory as an academic field or approach. Yet, his method of classifying the different strands according to their conception of discourse has a definite heuristic value. Moreover, anyone subscribing to discourse theory can use Torfing's categorisation as a tool for their own positioning. This has become ever more crucial as the concept of discourse is used in a number of ways today and Torfing's categorisation helps clarify individual stances.

This research refers to the post-structuralist strand of discourse theory.⁵ This strand is linked to the work of Ernesto Laclau and what is called the 'Essex School'. For the development of this variant of DT, the publication of Laclau and Chantal Mouffe's book 'Hegemony and socialist strategy: towards a radical democratic politics' (Laclau & Mouffe, 1985) (HSS) was seminal.

Post-structuralist discourse theory can best be approached by describing what it is not, what it does not aspire to be, and what it demarcates itself against. To start with, post-structuralist discourse theory hardly fits the conception or the criteria that are traditionally associated with a theory. It does not 'provide a new theoretical apparatus, consisting of a set of core assumptions, some clearly defined concepts and taxonomies, and a series of ready-made arguments disclosing the mechanisms of a rapidly changing society' (Torfing, 2005a: 1). Its ontology is anti-essentialist, and its epistemology anti-foundationalist (Torfing, 2005a: 13) while appending methodologies can be labelled anti-positivist, anti-objectivist and/or anti-quantitative; as soon as the last term, at least, is included in established dictionaries.

In the following section, I will elaborate on the differences between post-structuralist DT and other, more mainstream approaches and traditions.

On ontology and epistemology

By subscribing to an anti-essentialist ontology, DT assumes that nothing has an intrinsic, unchangeable essence that is provided by a higher objectivity, for example, God, reason, or nature. This does not mean that DT is anti-realist, i.e., that it would disavow the existence of matter independent of

our consciousness, thoughts, and language. The contention is merely that nothing follows from the bare existence of matter. Matter does not carry the means of its own representation. In fact, the social forms that render matter intelligible are neither passive reflections of an immanent essence of the experienced objects nor are they constituted by the omnipotence of the experiencing subject that reduces the object to a thought object. (Torfing, 2005a: 18)

⁵ In the course of this book, discourse theory and its abbreviation (DT) will be used in the sense of post-structuralist discourse theory, unless stated otherwise.

To put it more simply, meaning is not intrinsic to matter, to things. Rather, it is socially constructed. In the words of Martin Heidegger, '[w]hen we see something, we always see it *as something*' (cited in Wrathall, 2006: 46).

The classical example used by Laclau in this context is that of the earthquake. He refutes idealist depictions of the earthquake as merely some social construct happening in people's minds. Nevertheless, according to Laclau, whether we see the earthquake as a 'natural phenomenon' or as an 'expression of the wrath of God' is not 'instilled' in the earthquake but is actually an instance of social construction (Laclau & Mouffe, 1985: 108).

It is in this context that we should interpret Jacques Derrida's axiom that 'il n'y a pas de hors-texte'⁶ (see Zehfuss, 2009: 158). The intention is not to claim that what counts as being, as existing, is only what is fixed in a semiotic way or manner, or that 'everything is *only* discourse' in the sense of 'only talk' or 'only text'. However, 'for things and activities to be meaningful, they must be part of particular discourses' (Howarth, 1995: 119). In short, the earthquake may exist materially, but to be given any meaning, it has to be embedded in a discourse.

As we shift from ontology to epistemology, DT's anti-essentialism turns into profound anti-foundationalism. Unlike positivist approaches, DT does not assume that there is a world out there whose essence and laws are waiting to be discovered. In addition, because no higher objectivity exists, truth does not exist in DT either: 'there are no objective standpoints which guarantee truth or knowledge about the world' (Howarth, 1995: 119; see also Laclau & Mouffe, 1987: 85). The knowledge that we have rests on assumptions and categorisations that are contingent, i.e., they could have been otherwise, and as such, they are subject to change. Such a view is commonly called anti-foundational, as it 'stands in opposition to the foundationalist view that knowledge can be grounded on a solid, metatheoretical base that transcends contingent human actions' (Phillips & Jørgensen, 2006: 5).

From an anti-foundational viewpoint, any researcher is enmeshed in a discursive net of which he or she has a vague notion at best. It is not believed 'that one can easily "step outside" the traditions and practices of which we are a part and achieve a completely detached view of social processes' (Howarth, 1995: 17). 'Telling things as

⁶ The translation would be 'there is nothing outside the text', or, more literally, 'there is no outside-text'.

they are' is seen as a futile venture. Likewise, anti-foundationalism stands in opposition to the different components of what could be called a Popperian research programme, which includes empirical testing and the falsification of law-like hypotheses. It is equally opposed to the related notion of science as a cumulative process that generates knowledge from 'valid' and 'reliable' research.

The discourse of discourse theory

DT does not simply consist of repudiations of more conventional ontology and epistemology. It also has a distinct notion of how it wants to approach things in a way different from other theories. The sources for DT's 'counter-programme' are eclectic; they include 'Saussure's structural linguistics, Derridean deconstruction, Lacanian psychoanalysis, and post-analytical philosophy' (Glynos & Howarth, 2007: 61), to name but the most influential.

What made post-structuralist DT valuable for this research was its specific concept of discourse. As previously mentioned, other than in related theoretical conceptions and approaches, post-structuralist DT and DA are not simply 'the study of talk and texts' (see also Gill, 2000; Potter & Wetherell, 1995: i). Similarly, discourse is not – or at least not primarily – about discussion, about language, or about semiotic practices. As Andreas Reckwitz writes, discourse is a specific system producing a context within which meaning can be ascribed and action becomes possible (Reckwitz, 2006: 341). In this way, post-structuralist DT perfectly matches the interest of this research in processes of meaning making and identity formation. This does not mean that linguistic aspects are of no relevance to this study. However, expressions or metaphors are analysed for their role in the processes mentioned but not for their linguistic value and function.

The question remains what a post-structuralist notion of discourse 'looks like'. A closer investigation will not only give a more concise notion of the concept of discourse underlying this research, but it will also give us access to the sometimes disturbing and daunting world of DT nomenclature.

Discourse, signifier

Laclau and Mouffe define discourse as 'a system of differential entities – that is, of moments' (Laclau & Mouffe, 1985: 111). This short fragment confronts readers with a first lesson in DT vocabulary, or, as Torfing describes it, 'new words that for outsiders might appear as incomprehensible jargon' (Torfing, 2005b: 153). To understand what Laclau and Mouffe mean, a short explanation of basic structuralist conventions is needed.

Structuralism is closely associated with Ferdinand de Saussure, a Swiss linguist who is considered its founding father. From Saussure's work, Laclau and Mouffe have adopted two components in HSS. The first is the split of the sign between the signifier and the signified. This means that the sign 'table', for instance, is composed of 'the label' table (spelled t-a-b-l-e, the signifier) and the 'thing' that bears the label (the wooden board on four wooden posters, the signified). The two are seen as detached from one another. The signifier and signified have no a priori connection and their assignment to one another is not necessary. Laclau and Mouffe have also built on the Saussurian axiom that signs have no meaning of their own and that they gain meaning only in relation, in juxtaposition, to other signs. To know the meaning of 'mother', for instance, it/she has to be placed in a relational connection with 'father', on the one hand, and 'baby', on the other.

Elements, moments, articulation, difference, equivalence

Laclau and Mouffe slightly modify this fundamental idea for their purposes. First, they are not interested in signs as such. As previously discussed, 'things do not mean' (Milliken, 1999: 229) in post-structuralist ontology. The more 'material' component of the sign, the signified, is thus less important than the signifier. Laclau and Mouffe are solely interested in the signifiers because meaning is made on this level. In their version of the Saussurian axiom, signifiers, not signs, acquire meaning through their interrelation. To use Laclau/Mouffian vocabulary, meaning-free 'elements' (signifiers without any connection) are fixed into meaning-laden 'moments' (signifiers in relation with others). The process in which elements are related to one another and become moments is called 'articulation'. There are two basic logics of articulation: the articulation can juxtapose the elements and emphasise their difference ('logic of

difference'), or it can equate them and emphasise their equivalence ('logic of equivalence').

Field of discursivity, decision, contingency

By articulation, 'we understand the creation of something new out of a dispersion of elements' (Laclau, 1990: 183). Creation here is the key term. The link between two signifiers is not arranged by nor does it emerge from a higher order; it is the product of a decision, and ultimately contingent. In addition, any articulation – and, as such, any discourse – is never finite or final. It is an attempt to dominate a field of discursivity in which other possibilities of articulation and of meaning making are sheer endless. Due to this 'surplus of meaning' (Laclau & Mouffe, 1985: 111), chances are that the relation between two signifiers at some point will be abrogated and one of them will be connected to another to form a new meaning. Consequently, fixations that occur are always partial and temporary: 'no discursive formation is a sutured totality and the transformation of the elements into moments is never complete' (Laclau & Mouffe, 1985: 106f). For instance, the symptoms that we now link to a 'depression' might have earlier been seen as a yoke or stigma from God. Later they became regarded as a mental illness that could be cured by mental health treatment such as psychoanalysis, and even later still, 'depression' was seen as a biological problem of malfunctioning neurotransmitters that could be fixed with medical treatment.

As becomes clear from this example, post-structuralist DT does not limit itself to linguistic phenomena. However, 'in Laclau and Mouffe's discourse theory, all social phenomena are understood as being organised according to the same principle as language' (Phillips & Jørgensen, 2006: 35). In this conception of discourse, discourse denotes an interrelation of meaning(s) that can be found in oral communication or in written texts as well as in behavioural practices or in institutional complexes (see also Laclau & Mouffe, 1987: 82; Reckwitz, 2006: 341). As mentioned earlier in this chapter, this understanding of discourse means that nothing is extra-discursive – not even, as CDA asserts, socio-economic forces. For a socio-economic force to 'become' a socio-economic force, i.e., to be given the meaning of socio-economic force, it must be part of a discourse. As Laclau and Mouffe elaborate:

Our analysis rejects the distinction between discursive and non-discursive practices. It affirms ... that every object is constituted as an object of discourse, insofar as no object is given outside every discursive condition of emergence ... if the non-discursive complexes ... are analysed, we will only find more or less complex forms of differential positions among objects, which do not arise from a necessity external to the system structuring them and which can only therefore be conceived as discursive articulations. (Laclau & Mouffe, 1985: 107)

Empty signifier, nodal point, key signifier

Because discourses consist of a multitude of articulations, the question arises as to what holds together the various chains of equivalence and difference and what gives them a certain order. In post-structuralist DT, not all signifiers are equal. Some of them hold a special position within the discourse. The 'empty signifier', for instance, represents

that which links all elements of a system: a chain of equivalence constitutes itself by referring to the same empty signifier. Since the empty signifier tends to cancel the differences between the differential elements of a discourse, it introduces a negativity into the system which points to its exteriority. (Stäheli, 2004: 233)

An example may clarify this jargon. In a random group of individuals, people may take to or feel different from others in many ways, for instance because of their sense of humour, their eye colour or their marital status. A sense of belonging may eventually develop between some of the crowd because they have something in common. For instance, they feel they share the same taste of music. If that is the case, the other differences between them: the humour, the eye colour, their marital status are no longer important. When this happens, we witness 'the universalization of a series of particular differences through equivalential inscription' (Laclau, 2004: 283). This equivalential inscription is structured by and refers to an empty signifier.

The name 'empty signifier' refers to the fact that this signifier has to be sufficiently empty of specification to integrate and to represent others. Sharing the same taste of music, as in the example, is a criterion that is not only arbitrary but also rather vague. If sharing the same taste in music means that people like the 'music of the seventies', they can still like and be fans of bands as diverse as ABBA and Led Zeppelin. This indeterminacy, however, is one of the major points of DT: any system of articulations,

any discourse, is essentially contingent and could have been otherwise. The same pertains to identity formation within such a discourse: 'In discursive group formations ... the differences within the group are ignored. Thereby all the other ways in which one could have formed groups are also ignored' (Phillips & Jørgensen, 2006: 44).

In basic DT texts, the empty signifier has been depicted as quasi-synonymous to the concept of 'nodal point'. In his 1999 book, Torfing defines 'nodal point' as '[a]n empty signifier that is capable of fixing the content of a range of floating signifiers by articulating them within a chain of equivalence' (Torfing, 1999: 303). In many parts of the literature, however, the concept of the empty signifier has de facto been used in one specific context: the context of identity formation. Since discourses in this study were analysed both in this respect and in the broader sense of meaning making, 'key signifier', rather than empty signifier, is used in this book as a more generic label denominating any signifier that has an ordering function in a discourse.

The Other, outside

With respect to the above example, as soon as one group forms within the larger crowd, some will be in and some will be out. This is a necessity: an in-group can ultimately only form with respect to an out-group. Whereas differences *within* these groups are negated, differences *between* these two groups are actually emphasised. For example, people sharing the same eye colour may feel different from one another now that only music taste counts. Likewise, aficionados of seventies music may feel that they differ from and do not belong to the people who like sixties or eighties music. These people are the 'outside', the 'Other' – or, as Urs Stäheli termed it, the system's (negative) exteriority. Equivalence and difference condition one another: 'to be something is always not to be something else' (Laclau & Mouffe, 1985: 128).

The more differences a key signifier has to turn into equivalences to integrate different people and to create a common inside, the 'emptier' it needs to be. This, however, does come at a price: 'the more they [key signifiers] aspire to speak in the name of wider contexts or society, the more their identity will tend to get blurred because it gets increasingly difficult for these parts to identify themselves as belonging to the same system' (Dyrberg, 2004: 252). In our example, for instance, fans of Led Zeppelin may increasingly no longer feel akin to people listening to the Jackson 5 or The Carpenters. They may even be attracted to those that formerly

constituted 'the outside', wondering whether they have more in common with, for example, Beatles or Iron Maiden fans.

This precariousness of solidarity and identity has two implications. First, the outside is always a threat to the inside. A group always has the need – latent at best — of convincing those inside of its superiority. 'Othering', that is, depicting others as an unattractive, immoral, inferior outside 'helps to stabilize the discursive system' (Torfing, 2005a: 16). However, 'the line separating the friendly inside from the threatening outside is not completely fixed. The struggle over what and who are included and excluded from the hegemonic discourse is a central part of politics' (Torfing, 2005a: 16). In our example, for instance, it is unsure to what extent AC/DC fans would be on the inside or on the outside, given that the band was successful in both the 70s and the 80s.

Hegemony

Secondly, the threat exists that one discourse and its key signifier(s) are challenged by the rise of another discourse. In this competition, the latter may become dominant and end the 'hegemony' of the old discourse. In the above example, one fraction of the inside group may finally dissent and join the ranks of the people from the 'outside'. They may do this, for instance, because they feel they share a distinct preference for guitar-based music with a strong backbeat. The discursive field in that case would still be structured by a signifier related to the taste of music, yet the hegemonial discourse would now refer to *genre* rather than to a specific decade. For the group that has newly formed, it is no longer of any significance when some piece of music was written. The only relevant aspect for them is whether some musical composition counts as rock music.

The political

In expanding the example, one could imagine a world in which principles of musical taste have dominated identity formation and meaning making for more than a century. Discourses could still compete in such a society. These competitions could be between discourses referring to time (decade X had the best compositions), genre

(genre X brought the best music), gender (female bands are better than their male counterparts) or even quantity (large orchestras make better music than duos). What, however, will slowly vanish in such a society is the awareness that meaning making and identity formation are imaginable and still possible outside of music taste.

Such societies will have forgotten what the creative, or, as Laclau and Mouffe call it, what the *political* decision was that allowed music taste to be chosen as a structuring principle in the first place. As DT conceives of subjects as just as 'unfinished' as any discourse, '[w]e are not talking here about conscious decisions taken by some central decision makers on the basis of rational calculation, but rather about an endless series of de facto decisions' (Torfing, 2005a: 15). The subject as such only becomes a subject *through* the creative act of decision-making:

[T]he question of *who* or *what* transforms social relations is not pertinent. It's not a question of "someone" or "something" producing an effect of transformation or articulation, as if its identity was somehow previous to this effect. Rather, the production of the effect is part of the construction of the agent producing it. (Laclau, 1990: 210f)

'Political' in DT has a meaning that differs from the usual use of the word. Rather than referring to the political arena or to the acts of politicians, political here denominates '[t]he moment of antagonism where the undecidable nature of alternatives and their resolution ... becomes fully visible' (Laclau, 1990: 35). It denominates the act of taking a decision in a basically undecidable terrain.

The social, sedimented discourse

Returning to our music example, we may witness over time the development of a society that functions mainly on the principle of music taste. Maybe people with different music tastes have special radio stations for 'their' groups, maybe they have different political parties to vote for, and maybe, in elections, they will have a special clause ensuring the participation and rights of determination for the R&B or the Reggae minority. In this society, what once had a political origin has become 'social'. Just like 'political', social as it is used by post-structuralist DT differs from how it is used and from what it means in everyday language. In the case of the social, a hegemonial discourse has become sedimented: 'The social is the realm of the

sedimented practices, that is, practices that conceal the originary acts of their contingent political institution and which are taken for granted' (Mouffe, 2007: 17). 'The social' comes close to Heidegger's depiction of what he calls 'the Earth' as something 'so obvious that we no longer think much about it, let alone question it ... capable of supporting the world that is organized on its basis' (Wrathall, 2006: 81).

Social/collective imaginary, dislocation

In the above example, the society is structured by and functions on the principle of music taste. Gradually, it may develop into a 'soul-ist' society, i.e., a society that exclusively worships soul music and that develops norms and institutions in which soul music as a structural principle is pervasive.

'Soul-ism' in this case is so dominant in structuring the discursive field that it qualifies as what DT calls a 'collective' or 'social' imaginary. This means that when people think of the social world they live in, they think of it predominantly in terms of soul music. They think of themselves as a soul-ist society. This does not mean that 'soul-ism' is not vulnerable to change; social imaginaries can erode just as well as discourses can. Eventually, such an imaginary will be

confronted by new events that it cannot explain, represent, or in other ways domesticate ... they [discourses in general] will eventually confront events that they fail to integrate. The failure ... will disrupt the discursive system [resulting in a] structural, or organic, crisis in which there is a proliferation of floating signifiers. (Torfing, 2005a: 16)

In DT terms, such a crisis evokes a 'dislocation'. This means that any kind of articulatory fixation is annihilated and that moments become elements again. The field is then waiting to be sutured anew, and soul-ism will be replaced by other imaginaries that refer to music taste ('pop-ism') or, more radically, by imaginaries that refer to other ordering principles such as marital status ('bachelor-ism'). Which new imaginary will get the upper hand in that circumstance is a matter of hegemonic struggle and is ultimately contingent.

Analysing discourses

The choice for post-structuralist DT has implications for the overall thrust of this research. In post-structuralist DT, the contingency of any articulation is central. DT focuses on how these contingencies are obscured and how they are slowly enabled to present themselves as 'facts' and 'truths'. New articulations are often structured accordingly to 'fit' the existing discourse. Against this backdrop, the primary assignment for any empirical project drawing on DT is a *revelatory* one:

The task ... is to reactivate and make evident options that were foreclosed during the emergence of a practice – the clashes and forces which are repressed or defeated – in order to show how the present configuration of practices relies on exclusions that reveal the non-necessary character of the present social formation, and to explore the consequences and potential effects of such 'repressions'. (Glynos & Howarth, 2007: 155)

This depiction of DT's 'mission' resonates well with what Ian Hacking has declared the lowest common denominator of social constructionism, namely to unravel the taken-for-grantedness and presumed inevitability of a present state of affairs (Hacking, 1999: 12). Jutta Weldes describes her work similarly: 'So I study things – the "of course" that Gramsci called "common sense" and Stuart Hall called "the moment of extreme ideological closure" – that I fundamentally do not comprehend' (Weldes, 2006: 176).

Drawing on Derrida's body of thought, Aletta Norval, however, requests that an additional analytical step be taken. She sketches

an operation quite different from that of only making visible the non-necessity of any instituted order. It will entail an analysis that aims to locate those points within a politically determined discursive context where there is a regulated interplay between multiple discursive strains/relations of forces, such that the tension between them is retained. (Norval, 2004: 147)

To achieve this double mission – exposing options of meaning making that have been discarded and exposing internal inconsistencies that exist within discourses – the discourses in question are analysed. As previously shown, rather different conceptions of discourse theory exist and, likewise, different approaches of discourse analysis have emerged over the years. The lowest common denominator between most of

these approaches may be that they all, in a technical sense, refer to a 'set of methodological devices for the analysis of speeches, writings, interviews, conversations and so on' (Howarth, 1995: 116).

Unlike other kinds of discourse analyses, post-structuralist discourse analysis is less interested in aspects that are primarily linguistic (see, for instance, Potter & Wetherell, 1995). It refers to the concepts that constitute what was named DT nomenclature earlier in this chapter, thereby becoming 'a contextualized conceptual tool kit that includes important concepts like dislocation, hegemony, social antagonism etc.' (Torfinn, 2005a: 19). This tool kit cannot only be applied to purely *semiotic* texts. It heeds the ontological conviction that discourses 'pierce the entire material density of the multifarious institutions, rituals and practices' (Laclau & Mouffe, 1985: 109) because it allows practices or institutions to be analysed as well. Regardless of their character or kind, all 'texts' are treated equally in their quality of enabling 'subjects to experience the world' (Howarth, 2000: 10).

Other than content analyses, post-structuralist discourse analyses are not geared towards 'distilling' a coherent story from these texts once they have separated the good wheat of 'right' statements from the bad chaff of the 'wrong' ones (Phillips & Jørgensen, 2006: 21). As a matter of principle, this is not possible given DT's anti-foundational epistemology. The focus of DA must be on how statements/articulations structure and in turn are structured by discourses, which discourses they re-enact or modify, and how this is done. In answering these questions, we

examine how meanings are produced and attached to various social subjects/objects, thus constituting particular interpretive dispositions which create certain possibilities and preclude others. What is explained is not *why* a particular outcome obtained [sic], but rather *how* subjects, objects, and interpretive dispositions were socially constructed such that certain practices were made possible. (Doty, 1993: 298)

Although there is presently no methodological master plan of how Laclau's vocabulary could or should be 'properly' used for analytical purposes, Marianne Jørgensen and Louise Philips have provided a first sketch in their book, 'Discourse Analysis as Theory and Method' (Phillips & Jørgensen, 2006: 29). They propose that statements should be seen in their function as articulations. This requires the researcher to look at the elements that have been used and at how they are linked to one another. At the same time, s/he needs to consider which other 'meaning potentials' have been excluded by positioning certain elements in a distinct manner.

Examining the articulations in this way, however, needs to be accompanied by an analysis of the wider discursive context. The questions raised in this respect would be to what extent an articulation is embedded in a certain discourse, but also to what extent it itself reifies the discourse, modifies it or actively seeks to overturn it. An answer to these questions presupposes that the respective key signifier(s) of the articulation(s) and discourse(s) have been identified. The task is hence to indicate the signifiers that have a privileged status in the discourse at hand or, in other words, to discern the 'fixed stars' that orient other, plainer signifiers.

Further questions would be whether key signifiers are shared by articulations and discourses or not, to what extent differences in the constellation of articulations or discourses mean that meaning making crucially diverges, and, if this is the case, to what extent this has resulted in struggles over hegemony between various discourses.

Philips and Jørgensen argue that by following these steps 'we can map the partial structuring by the discourses of specific domains. What signs⁷ are objects of struggle over meaning between competing discourses ... and what signs have relatively fixed and undisputed meanings ...?' (Phillips & Jørgensen 2006: 30). In other words: What, in the discourse(s) scrutinised, is 'political'? What is 'social'?

Conclusion

This chapter has provided a broad overview of post-structuralist DT as the theoretical-analytical framework for this research. Choosing this theoretical 'backbone' has several implications. Post-structuralist DT relies on an anti-essentialist ontology in which *everything is discourse* in the sense that things do not have an intrinsic essence that researchers could distil and that meaning is relational. DT's epistemological stance consequently follows from this ontology. It is anti-foundationalist: no higher objectivity exists on which general laws or a certain cosmic order are founded. For researchers, trying to uncover any structure of this quality is a futile venture. In any case, scientists could never provide neutral accounts 'just reflecting' such a structure, as they are already enmeshed in a distinct regime of discursive meaning making.

⁷ A problematic feature in Philips and Jørgensen's account is that they are repeatedly mistaking signifier for 'sign'. As has been pointed out, post-structuralist DT limits itself to the level of signifiers (see also Stavrakakis, 2004: 166).

The caveat must be made that the statement 'everything is discourse' should not be understood as all 'just talk and texts'. In post-structuralist DT, a discourse is a system within which meaning is a product of the relations between simple elements, key signifiers, and their outside. This 'configuration' is contingent because a number of other relations could be equally conceivable. Thus, the making of meaning is always political because it involves a decision made in a context that is, in principle, undecidable.

The primary task of DA is to remove the 'social' layer of sedimentation that usually builds upon such a political decision. DA needs to brush away the matter-of-factness, the naturalness that has built up over the years and lay bare the decision's contingency. It also needs to 'make visible possibilities ruled out or not taken up' (Norval, 2004: 148), and it needs to highlight existing inconsistencies and tensions within 'social' discourses. To this end, it can rely on a tool kit comprising what in this context has been called DT nomenclature.

3. METHOD(OLOGY)

The level of abstraction on which post-structuralist DT operates has repeatedly begged the question as to how its theoretical contents can possibly be translated into a workable methodological approach. *How* are researchers supposed to carry out a post-structuralist discourse analysis in their research fields? What can it yield?

Methodology, broadly speaking, still counts as one of the weak parts of 'post-structuralist' research. At least, it is one of the dimensions that are most frequently attacked. Many of these attacks could probably be avoided if two points were met. Firstly, researchers need to be open about what DT can possibly achieve and what the scientific community can legitimately expect from it, given its ontological and, in particular, its epistemological positioning and self-limitation. Secondly, it must be sufficiently clear that post-structuralist works may use 'standard' methods such as interviewing, but that their conception of both the process of interviewing and its function within research differ from the standard understanding. This also applies to this research, as it combines 'classic' methods with a 'not-so-classic' theory and methodology.

The aim of this chapter is two-fold. It intends to 'disclose' the methodological approach that was used for this research and to shed light on the choices that were made in this respect. At the same time, it will elaborate on how the methodological components need to be understood in their interplay with the theoretical background that has been chosen.

The chapter starts with an overview of the overall methodological strategy adopted ('interpretivism'). In a further step, it explicates the individual methodological steps, highlighting the research logic(s) behind the choices that have been made with regard to *what* has been analysed. Why has environmental politics been chosen as field of research? Why has it been delimited to the specific cases? Why have interviews been chosen as the main source of 'texts'? Subsequently, the focus is both on how discourse analysis has been carried out in this project, and on what 'value' can be attached to the findings that emanate from it. Lastly, the attention is directed to how the task of writing up has been approached, and to why this issue is relevant in the context of this research in the first place. A final section summarises the conclusions.

An 'interpretivist' strategy

Choosing post-structuralist DT as a theoretical background and DA as an analytical framework implies that one accepts the ontological and epistemological 'baggage' that comes with these choices. It also entails, however, designing an overall methodological strategy that fits this baggage.

In literature, post-structuralist approaches are most commonly associated with what is called 'interpretivist' methodologies. As post-structuralist ontology and epistemology, interpretivism strongly differs from 'mainstream' positivist research.

If we consider positivism as the 'normal' version of methodology in the social sciences, interpretivism deviates from the standard in the following ways. Firstly, interpretivism, and hence this work, does not embrace a deductive-nomothetical strategy. The latter would require beginning with a law-like hypothesis. This hypothesis relies on dependent and independent variables, which are, in turn, operationalised. The intention of a deductive-nomothetical strategy is either to verify or to falsify the original hypothesis (Kelle & Kluge, 1999: 15). In the case of post-structuralism, however, both verification and falsification are impossible. The alternative then is to adopt an interpretivist strategy that focuses on how people *interpret, understand, experience, and constitute* their social world (Mason, 2002: 3).

The interpretivist strategy adopted in the context of this research was *exploratory* in nature. The research interest was primarily to learn how key policymakers in the fields of EU climate change and green biotechnology politics discursively 'make meaning' of their interaction and how this, in turn, shapes their realities and identities.

To this end, a discourse analysis as sketched in chapter 2 was conducted. The texts that were analysed came from interviews with key policymakers (see also the following section). The high level of abstraction and the empirical 'emptiness' of the concepts included in the DT-toolkit were no obstacle, but rather a benefit. In this way, the concepts could ideally be used as lenses that *enable* the researcher to apprehend and to describe relevant (social) phenomena (Kelle & Kluge, 1999: 34). At the same time, these concepts were open enough to ensure that the meaning making of those involved in policy-making was not superimposed by antecedent research hypotheses (Kelle & Kluge, 1999: 34). The aim was thus to avoid, as much as possible, what has been described as the pitfall of conventional EIS in chapter 1.

A further intention was that the discourse(s) captured in the analysis should ideally belong to the 'field' rather than to the researcher. The idea was not to reintroduce through the backdoor the conception of a neutral and objective researcher, who allegedly remains distant from the data in order not to spoil it. The point here was that 'a priori design commitments may block the introduction of new understandings' (Denzin & Lincoln, 2005: 376), and hence the sensitivity for understandings and meaning making *in the field*.

The overall methodological ambition of the study was to 'develop an approach that respects the self-interpretations of social actors, while not reducing explanations to their subjective viewpoints alone' (Glynos & Howarth, 2007: 4). It is here that this research parted company with works that are inspired by phenomenology or social interactionism. Studies of this kind mostly try to distil one essence out of, for instance, the different accounts of their interviewees, treating them as *de facto*, as a reflection of '*the* social reality' in which meanings are made. In contrast, this work relies on the post-structuralist assumption that an immanent essence of social reality does not exist and that any attempt to reflect this chimera is already discursively structured. Against this backdrop, DA was used to trace the rather *hidden* patterns and inconsistencies that underlie both sedimented discourses and the social consequences that emanate from them ('social' being used here in its usual sense).

What to analyse

In this research, the quest was not only to trace these patterns in a certain field of politics but also to compare them to the patterns depicted by conventional EIS. As already stated, the field of politics under scrutiny in this study was EU environmental politics and the discourse analysis that was carried out mainly relied on interviews with key policymakers in the field.

The choice of methodology and methods comprises several methodological decisions, delimiting the research. In making these decisions, other possible ways of doing research were excluded. It follows that these decisions need to be explained and justified.

The empirical field

The basic criterion for selecting the empirical field was to be as fair to conventional EIS literature as possible. Since conventional EIS argues that the distribution of formal-institutional competences fuels conflicts between Member States and EU institutions, a field had to be chosen that was indeed prone to or at least 'open' enough for these conflicts to appear. As such, it had to offer a history of recurrent and salient contentions on the distribution of competences. The chosen field also needed to be a domain where conventional EIS literature would be able to state its case.

EU environmental politics was one of the fields that nicely fitted this requirement. As one of the more recent fields in the history of EU politics, it continuously offers new sites for politics and policy-making and thus for the distribution of formal-institutional competences. At the same time, it is, at least on the EU level, embedded in the sedimented discourses that penetrate all EU politics, as procedures of and roles in policy-making and legislation are juridically fixed. Moreover, it is 'mature' enough to allow a long-term view on the development of discourses and not just photographic glimpses of the status-quo.

One additional choice that was made in the context of this research was not to limit EU environmental politics to environmental politics within the institutional framework of EU legislation. Instead, a broader notion of EU engagement in the area of environmental politics was adopted to comprise EU action on the international level of environmental politics. Including this level seemed appropriate, as this is a further arena where EU Member States and EU institutions (especially the Commission) interact and where competences are distributed. For this reason, conflicts as depicted in conventional EIS could also be expected on this level.

The focus on both levels of environmental politics was on the interaction of EU policymakers from EU Institutions and Member States, especially in matters of competence distribution.⁸ Competence distribution is more formally institutionalised on the EU level, where it is enshrined in legislative acts. On the international level, the issue is raised mostly in the context of the EU's coordination and representation in negotiations. Who coordinates and who speaks for the EU in international negotiations is a question that is far less settled – formally and legally – in

⁸ As the focus of this study was on policy-making and policymakers, EU institutions comprised the EP and the European Commission, but not the ECJ.

environmental politics than in, for example, trade or agricultural negotiations. Even after more than twenty years of MEAs, this is still a grey area, and EU coordination and representation need to be re-negotiated each time a new issue of international negotiation opens up (see also chapter 8).

The field of EU environmental politics is vast, and the decision was made to concentrate on two cases within the field: climate change and green biotechnology politics. By delimiting the field to these areas, the research became practically more feasible and contextually more specific, and a deeper analysis became possible.

For 20 years, both climate change politics and green biotechnology politics have been undergoing constant procedures of policy-making and competence distribution. Conflicts have been numerous and sufficiently intense to catch the attention of the public eye. In addition, Member States and the Commission have had to agree on the EU's coordination and representation in multilateral fora in both fields. In the case of climate change, this need occurred in the context of the United Nations Framework on Climate Change (UNFCCC). In the case of green biotechnology, the EU needed to find a *modus vivendi* for coordination and representation in the context of the biosafety negotiations that both preceded and followed the Cartagena Protocol.⁹

The texts

As has been mentioned in chapter 2, post-structuralist DA does not have to be limited to the analysis of purely semiotic texts. Especially against this background, the decision to use *exclusively* this kind of text for this research needs to be qualified.

The material for the DA conducted in the context of this study mainly consisted of interview transcripts from interviews with key policymakers from EU institutions and five selected Member States. The main reasons for preferring interviews to alternatives such as participant observation or an extensive study of policy documents were feasibility and focus.

⁹ To be sure, biosafety issues are dealt within various international fora (e.g. the World Trade Organisation (WTO), the Organisation for Economic Co-operation and Development (OECD), Codex Alimentarius). Yet, '[t]he Cartagena Protocol provides the most *extensive* international instrument regulating transboundary movement of certain GMOs (known in the Protocol as "living modified organisms")' (Stilwell, 2005: 53, emphasis added).

In the case of participant observation, access would have been a major problem. EU meetings during international conferences, to give but one basic example, are not even accessible for Members of the European Parliament (MEPs). Council meetings are mostly closed as well. The disadvantage of policy documents is that they are usually less 'condensed' than interviews; in addition, they hardly ever explicitly deal with inner-EU relations beyond the description of formal-institutional arrangements.

The interviews that were conducted for this research ranged in duration from thirty minutes to two hours, with an average length of one hour. At the beginning of each interview, respondents were informed about the general topic of the research: 'the interplay/relation between EU institutions and Member States' in the respective domain. This was the subject of special information sheets in which respondents were also guaranteed anonymity in any kind of publication that would come from the project. During the 'processing' of interviews (transcription, analysis), the respective material (sound files, transcription files, and so on) were labelled with a code that guaranteed respondent anonymity but also ensured that the institutional affiliation of the respondent could still be identified. Respondents received the first drafts of parts II and III of this book for inspection and comment.

The interviews themselves were mainly respondent-driven; that is, they followed the priorities that the interview participants set themselves. Issues that I raised as the interviewer often included those that other respondents had elaborated on in earlier interviews. This enabled an analytical comparison of accounts at a later stage.

The basic reasoning behind this open setup was to profit from what Allan Dreyer Hansen and Eva Sørensen have described as 'the strong side of interviews':

[I]nterviews present discursive images of the world In an interview situation, respondents provide spontaneously formulated individual expressions of the discursive patterns of meaning that exist in a given social field. Furthermore, knowledge is obtained about the ways individuals in different positions within a given discursive structure construct meaning and identity ... about themselves and the other actors, and how and where they draw discursive patterns of inclusion and exclusion. Finally, interviews allow the researcher to search for more detailed and specific information about the discursive articulation of a specific issue among those involved. (Hansen & Sørensen, 2005: 99)

In addition to the interviews, policy documents were sporadically used for the analysis. The recourse to policy documents had several functions. Firstly, these texts were used to convey how new policies, in their formal-institutional dimension, were discursively designed.

Secondly, they were used to fill gaps left by the interviews. For example, sometimes incidents or processes that scholars would most likely identify as sources of conflict were not addressed by the respondents during the interviews. Usually when this happens, researchers are tempted to interpret such gaps as attempts on the respondent's part to obscure contentions. In this study, policy documents helped to answer the question as to whether this seemed to be the case, or whether the respondents did not raise an issue because it, in fact, did not play a major role in collective processes of meaning making.

Thirdly, policy documents were used in the forefront of the interviews as a means for me as an interviewer to become 'immersed' in the field (as far as this is possible), and thus to enable me to enter the interviews with a background extensive enough to be able to follow and to respond to the remarks of the respondents.

One last source for the analysis were the verbatim reports of EP debates, as they were considered to qualify as texts of EU policymakers in interaction. The major drawback of the reports was, however, that they are 'by nature' limited to the interplay between MEPs, although one Commission official usually comments at the end of each debate. These texts, therefore, were regarded mainly in *addition* to the interviews.

As has been described in the first section of this chapter, how interviews are conceived of and how they are approached in interpretivist studies differ from how this is done in more positivist works. This is surely the case for this research, both with respect to how interviews were conducted and how they were analysed. The search for constructions of meaning in the respondents' accounts replaced the orthodox 'mining' for an underlying truth.

This shift implies that researchers are not obliged to take a defensive stance on the 'truth value' of the interviews gathered, as interviews are, in principle, not seen as offering such value. For example, an interview conversation in more positivist conceptions is mostly 'framed as a potential source of bias, error, misunderstanding, or misdirection; it is a persistent set of problems to be minimized' (Holstein & Gubrium, 2004: 141). This is something that 'interpretivists', especially of a post-

structuralist provenience, do not have to worry about, as it is their *ontological* conviction that all social forms of rendering something intelligible are never passive reflections of an immanent essence of the experienced object (see chapter 2). For 'interpretivists', trying to find such an essence is *epistemologically futile*. Consequently, post-structuralist DT/DA is interested in the process of meaning making itself, including all omissions and inconsistencies (for the scientific value of those inconsistencies, see also Kvale, 1996: 34).

The issue of triangulation thus must also be seen in a new light. Comparing the respondents' accounts cannot aim 'to uncover whether individual respondents lie about their actions' (Hansen & Sørensen, 2005: 101). However, a comparison can render 'an impression of how different events in the policy process have been given hegemonic meaning, or whether the content of the policy process, and the role that different actors play in it, are discursively contested' (Hansen & Sørensen, 2005: 101; see also Patton, 2002 and Stake, 2005 for a somewhat unconventional take on triangulation).

The respondents

The general interview 'target group' consisted of Commission officials, EP members, and civil servants from Member States that qualified as 'key policymakers' in the respective domain. Participants were initially found through participant lists of relevant EU-wide or global meetings. These lists were available on the worldwide web. Names of key players were also found in secondary literature. Finally, through the principle of 'snowballing', first contacts led to further names on the list. The answer to what made these key players qualify as 'key' is rather simple: they were widely acknowledged as such by their peers. The respondents themselves, and not the researcher, determined who counted as part of this inner circle.

However, in composing the final respondent list limitations and researcher interventions did come into play because Member States respondents could not come from any EU country but from five chosen Member States. This limitation was considered to guarantee the possibility of tracing country-specific discursive patterns in case they emerged.

The shortlisted countries mainly resulted from snowballing. Once first contacts had been made, respondents identified those EU Member States that they regarded as essential to policy-making in the respective domain. This was not a straightforward process, though. Although the original intention had been to 'recruit' respondents from the same countries for both cases (again, in order to be able to trace 'Member State specific' discursive patterns), the Member States shortlisted by the respondents differed from case to case.

As a lowest-common-denominator solution, Member State respondents were chosen from the following countries: the UK, The Netherlands, France, Germany, and Austria. In hindsight, the question arises as to whether it would not have been worthwhile to include respondents from one of the 'new' Member States. It might have been interesting to see to what extent a more or less conflictual reading of EU policy-making and competence distribution can be related to whether one feels or is seen as 'new' to the Union. On the other hand, in most of the interviews with Austrian respondents, their relationship with 'the EU' or with EU institutions before and after Austria's accession in 1995 was an issue. This might then partially 'compensate' for omitting new EU members.

In total, 51 interviews were collected: 25 for green biotechnology and 26 for climate change. An implicit self-obligation was to have at least three respondents per case and institutional affiliation. This 'standard' was only missed once; the green biotechnology case contains only two respondents for France. In the end, respondents included mid-career level to senior Commission officials and civil servants, as well as one official from the General Secretariat of the Council. EP respondents comprised MEPs as much as policy advisors of the political groups.

Interviews were mostly conducted and recorded on the spot. Only a few of them were telephone interviews, and these were registered with special software. Only in one case was the interview held in written form. This may beg the question to what extent this could be called an interview at all. This procedure, however, met the wishes of the respective respondent. Interviews were always conducted in a language that respondents felt comfortable with. In most cases, this was the respondent's mother tongue.

How to analyse

To enable the technical DA of the interviews, the interviews were first transcribed. They were then 'fed into' AtlasTI software and analysed in clusters, depending on the case to which they belonged. In the beginning, climate change and green biotechnology interviews were treated separately.

The first phase of analysis was both rather basic and ingenuous as far as clear criteria were concerned. The texts were browsed, and coding was mainly restricted to the question of *what* (meetings, legislative procedures, policy issues) the respondents discussed in their interviews. This gave a first notion of what respondents considered essential in their stories of EU policy-making. 'Essential' here refers to what emerged as an issue *collectively*, i.e., what recurred between the accounts of different respondents.

These recurrences were turned into a shortlist of topics that provided a basis for new rounds of analysis. Later rounds focused more on how-questions, i.e., on *how* respondents talked about those topics and *how* they described what happened. They produced a considerable amount of additional codes; the time had thus come for some serious, theoretical/analytical clearing.

Considering the research interest and the post-structuralist framework, the texts were once more scrutinised with somewhat more focused lenses, and the following questions were asked:

- To what extent was meaning making in the accounts alike/different? To what extent do the similarities/differences of accounts seem to be concurring with institutional affiliation, nationality or similar?
- To what extent did schisms/conflicts appear? How have the different respondents described them? Which identities have formed in the course of these conflicts?

In 'answering' these questions – which was the task of the next round of text analysis – the DA tool kit as described in chapter 2 was used. The first objective was to trace the components ('elements') of each discourse or its parts, as well as the way these were joined together into 'articulations'. The second object was to investigate to what extent order was provided by a 'key signifier' and which 'outside' was the discourse directed against. Was this discourse widely accepted ('hegemonial') or contested, and

by whom? In the course of sedimentation, which other possible discourses were excluded?¹⁰ In the course of discourse formation, how and along which logics of 'equivalence' or 'difference' have identities formed? Who is 'in' and who is 'out'?

Such an analysis provides a foundation for further comparison. In the case of this research, discursive patterns that emerged for politics and policy-making within the EU were compared to patterns emerging for the international level. In another step, discursive patterns were compared *across* the two cases (see chapter 8).

Before cross-case comparison, however, this research heeded David Howarth's advice on how this type of comparison ought to be done in research that subscribes to post-structuralist DT. According to Howarth, cases must be initially described/analysed/interpreted on their own terms, 'as singular instances with their own unique specificity' (Howarth, 2000: 139) before being compared to one another. In addition, the goal of comparing cases is not the establishment of generally applicable laws; it is 'to further our understanding/explanation of different logics of identity formation and hegemonic practice in different historical [or, termed more broadly: contextual] conjunctures' (Howarth, 2000: 139).

Scientific? Value?

This work takes a cautious stance as far as generalising its findings is concerned. It refutes that the patterns of meaning making that emerged in this study can *a priori* be expected for other cases or fields (in the sense of 'laws').

This does not preclude, however, that some of the patterns exposed – as a whole or in fragments – may re-appear elsewhere. The findings of this research, in this respect, can fulfil a sensitising or heuristic function for further studies on relations between EU institutions and Member States. Still, Howarth's maxim should be heeded: that each case should initially be apprehended in its specificity. In doing so, the possibility of overlooking (discursive) discrepancies and inconsistencies in each singular case is minimised. These discrepancies and inconsistencies are at the core of a post-structuralist approach – and it is they that make DT both so valuable and so much fun.

¹⁰ This raises the question of how excluded alternatives can possibly be traced *ex post*. In the case of this research, alternatives mostly emerged in the texts themselves, often as 'minority opinions'.

The rule of thumb should be that '[t]he trouble with generalizations is that they don't apply to particulars' (Lincoln & Guba, 2000: 24).

It can safely be assumed that generalisability is not the only positivist objective or standard that interpretivist research tends to fall short of. The methodological design applied in this research is also at odds with golden rules for ensuring 'scientific quality' as they are listed in standard method books:

In standardized research, quality is one of the major issues in constructing a research design, perhaps the major issue. Quality in that context is closely linked to standardization and control of the research situation and over influences on it. The basic idea then is that if we manage to control and exclude disturbing influences – coming from the outside or from the researchers' bias – we can find access to the issue under study in an unbiased way and represent it in the results in a valid, reliable and objective way. (Flick, 2007: 61)

In this research, hardly anything was standardised. Neither were respondents asked one single, a priori established set of questions, nor were their interviews analysed with one single, a priori established list of criteria. The researcher – I – was very present. This begs the questions whether this work, in its subjectivity, is either *reliable* or *valid*, and, if not, whether it is consequently bad research.

These questions, however, do not pertain only to this research. They are also part of a wider discussion not only between the interpretivist and the positivist 'research camp', but also among interpretivists themselves. How can we ensure that our research is good research? And what do we actually mean by good research?

What becomes apparent is that neither positivism nor interpretivism are uniform or coherent schools or approaches. Several strands exist within interpretivism, and each has a different opinion of what constitutes good research. Some scholars cling to standards that are usually more associated with positivism, whereas others radically repudiate them. An example for a more consensual, conciliatory stance is that of Yvonna Lincoln and Egon Guba. In 1985, the two researchers proposed four 'post-positivist' criteria. These were directly translated from the more familiar positivist clover of research criteria: internal validity, external validity, reliability, and objectivity. For interpretive purposes, this clover was remodelled to include the criteria credibility, transferability, dependability, and confirmability (for more detail and explanation, see inter alia Dormans, 2008: 36-38).

This set of criteria, however, evoked a fair share of criticism. The most principled line of critique was that 'establishing a parallel set of terms meant accepting positivist presuppositions about what matters in scholarly research' (Schwartz-Shea, 2006: 94). It was argued that criteria used in positivist approaches emanated from the specific ontological and epistemological convictions that guide this sort of research (Yanow & Schwartz-Shea, 2006: xvii). These, however, are convictions that post-positivist research commonly rejects (Yanow, 2006: 67, see also chapter 2). To follow methodological standards that 'imitate' positivism, then, would be untruthful to one's own meta-theoretical stance.

This research subscribes to this argument because it considers as a priority that methodology should fit the underlying ontology and epistemology – and not that it should convince positivist colleagues that even interpretive work has a *raison d'être*. In this respect this work is less interested in discussions on whether scientific criteria that are dominant in the 'hard sciences' can or should be adopted in the 'soft sciences', or whether this is hampered by the peculiarities of the latter (for this discussion, see Flyvbjerg, 2004). The methodological argument this research makes rests on ontological and epistemological considerations only. If a set of criteria for good interpretivist or post-structuralist research is necessary or desired, it should reflect the meta-theoretical choices and limitations underlying the research.

By choosing an anti-foundational epistemology, researchers quite willingly and consciously forego the possibility of truth claims. Any research subscribing to such assumptions simply cannot make a claim to truth, even if it points to the 'correctness' of its methods.

What researchers can try to do, however, is to be open about as many of the choices made during the research process as possible. It is then left to the readers to judge to what extent, in the context of the current scientific discourse, they are convinced of the theoretical presuppositions, methods and findings of the research. Determining to what extent the research done bears a value of any kind, be it scientific, societal or other, becomes the audience's task.

In the absence of 'hard' criteria, or of a better solution, readers can evaluate interpretivist research by judging 'the degree to which it makes possible new and meaningful interpretations of the ... phenomena it investigates' (Howarth, 2000: 300). The least that can be said in favour of such an approach to 'determine' good research

is that it is far more transparent and democratic than the current, rather authoritarian, truth claim of mainstream science.

Producing text about texts

This democratic aspiration, however, puts considerable emphasis on the one aspect of research that is most often forgotten in method books – that of writing up (Dormans, 2008: 43). The central aim of writing up is to provide readers with a maximum of insight into choices – and detours, deviations etc. – made in the research. This pertains to the theoretical and methodological design of the research, but also, and just as importantly, to the presentation of ‘findings’. As reflections on theoretical-methodological choices have already been covered earlier in this and the preceding chapter, this section will focus on the writing up of findings.

In earlier versions, the book included no empirical background sections for the cases. It was decided that the reader would not receive passages with ‘empirical facts’ separate from the analysis. The underlying reasoning for this was that providing a ‘fact sheet’ would contradict the ontological/epistemological presuppositions as presented in chapter 2. The first readers, however, almost unanimously deplored this as a lack of context and indicated that it made it difficult for those foreign to the field to ‘follow the story’. As a compromise, the final version contains short introductions, yet with a caveat to readers. An effort has been made to provide as much ‘context’ as necessary; however, the *choice* of what constitutes the context, and of how much is sufficient, is mine entirely and should be seen in this light.

As far as the respondents’ accounts are concerned, these are consistently marked as such – just as my interventions are. In writing up, a recurrent question was how long the statements reproduced should ‘ideally’ be. Two remarks of other researchers served as rules of thumb. Accordingly, the length of the statements must enable the author:

- ‘to demonstrate how conclusions are based on material, and ...to present excerpts from the material in an accessible and readable way’ (Flick, 2007: 106), and
- ‘to open up the text for the active reinterpretation of the reader’ (Dormans, 2008: 43).

To improve readability, the respondents' accounts were 'tidied up'. The 'erms', 'uhs', and similar interjections have been omitted in the written version, as have simple repetitions. In addition, citations have been translated into English.

This, however, is a tricky business. Providing translated versions makes it impossible for readers to judge whether these actually correspond to the originals. It also makes it more difficult to judge the author's interpretation/analysis of what has been said.

A solution to this problem would be to provide part or all of the original transcripts in an annex. That this has not been done here has to do with ethical considerations. Providing the original transcripts would most likely threaten the anonymity of my respondents; disclosing their mother tongue, for instance, makes respondents *unnecessarily* easy to identify. Because of this, respondents are only specified by their institutional affiliation, for example, as EP or Commission respondent.

It is hoped that two strategies compensate for this lack of transparency as much as possible. First, the translated citations were given to the respondents for inspection, and I revised translations when respondents requested me to do so. Second, I welcome any reader interested in the original recordings or transcripts to contact me to arrange for an individual inspection. This, of course, will be done in consultation with the respondents.

Conclusion

To remain truthful to the ontological/epistemological commitments established in chapter 2, this research chose an interpretivist methodology. This included an *exploratory* overall goal. Self-interpretations of the actors were central to the analysis, but were not treated as given truths. Rather, they offered systems of meaning making that could be 'scanned' for hidden patterns, inconsistencies or exclusions.

As the intention was to compare these patterns with those asserted by conventional EIS, environmental politics was chosen because it ensured a level playing field for both conventional EIS and DT. Environmental politics has the additional advantage of offering insight into the relationship between EU institutions and EU Member States not only on the EU level, but also on the international level. These features were

retained when the field was restricted to two cases (climate change politics and green biotechnology politics) for reasons of feasibility and specificity.

Interviews seemed to promise a comparatively easy access to meaning making in the context of EU politics and policy-making. They relied heavily on the respondents, as the latter widely determined what became a topic of conversation and identified new potential respondents. Reflecting meta-theoretical convictions, interviews were conceived to offer instances of meaning making rather than mining sites where truths could be uncovered.

For the analysis, the post-structuralist DA-toolkit was deployed. Texts came mainly from the interviews. Every case was treated in its singularity and specificity first, before a 'grand', cross-case comparison. This research takes a cautious stance towards generalisability. It also rejects standard criteria for 'good research' (reliability/validity), as they are at odds with the research's ontological/epistemological 'ueberbau'. Instead, the research advances plausibility, renounces claims of scientific objectivity and authority, and shifts the focus and judgment to the readers instead. As a consequence, the role of writing up increased in importance. Diligent writing up is needed to facilitate the reader's judgment, as it opens up the black box of the research process and exposes the researcher's decisions and interventions.

PART II Case study: EU institutions and Member States in climate change politics

4. THE INTERNATIONAL LEVEL

Among all of the sub-fields of environmental politics, climate change is currently the most prominent. No other environmental issue receives more attention from 'the public', media, or politicians, and climate change is the only of its 'class' to be repeatedly addressed during high level talks both inside and outside the EU. As such, it figures among allegedly 'harder' issues such as security or economy.

Although climate change has been put on a political pedestal by and within the EU right from its inception, this position has not always been stable. In the last years of the millennium, the threat of 'climate fatigue' was particularly palpable (see for instance Deutsche Welle, 2003). Now, barely a decade later, this fatigue has made way for the issue's political revival.

From the start, the evolution of climate change as a new field of international political activity has been closely – and explicitly – linked to the EU's development as an actor in this domain. In this role, the EU has issued a clear blueprint for international climate change politics: it should act as a unified force and lead the field. Given this blueprint and the EU's attempt to create a 'personality' for itself, meaning making and identity formation within the EU in the field of international climate change politics are especially intriguing for analysis.

After a short overview of the EU's 'history' in international climate change politics, this chapter critically analyses what is understood by 'EU' on this level, especially in terms of its formal-institutional setup. The EU is arguably very state-centred in this context, with Member States rejecting a Commission negotiation mandate. It could be claimed that this rejection reflects the 'classical' competence struggles between the Commission and the Member States. In a next step, however, it is argued that reducing conflicts to this dimension would mean ignoring the numerous other contentions and schisms, loyalties and identities that betray such a straightforward interpretation. It would also mean disregarding the discursive shifts that have occurred over the last years. These shifts have formidably altered meaning making and identity formation in the EU on this level, as, increasingly, the performance of the

EU as a whole has been advanced in lieu of the sovereignty of singular Member States. How identity processes in the EU depended on the outside context is the last analytical aspect of this chapter, followed by concluding remarks.

Historical overview

Climate change became part of the EU's political agenda in the late 1980s, a decade that Ute Collier has termed the 'hey day of EU environmental policy' (Collier, 1996: 123). During the eighties, environmental legislation in the EU rose to unknown proportions.

Seen from a discursive point of view, climate change as a policy field was relatively virgin fabric; meaning making and identity formation had yet to develop. First 'stitches', however, were made quickly. From the start, climate change was seen as transboundary, crossing not only the borders of individual Member States, but also those of the EU as a whole. The EU perceived climate change as an *international* issue to be addressed in an *international* regime. From an early stage, the EU advanced that such a regime needed to include concrete CO₂ reduction commitments for major developed countries.¹¹ As the United States, in particular, was not convinced of this, it was soon regarded as the EU's adversary in what was dubbed a 'North-North conflict' (Steffan, 1994).

Finally, states agreed to address climate change internationally, albeit on a rather basal level. In 1990, the UN General Assembly established the Intergovernmental Negotiating Committee (INC) to design a framework convention. The United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992 was set as a deadline for the INC's work. Also in 1990, the European Union chose to adopt one *common* emissions target instead of many individual and different reduction targets on the Member State level. It proposed that EU CO₂ emissions be stabilised on a 1990 level by the year 2000.

¹¹ It must be noted that although 'the EU' is used in this situation, some Member States deviated from the overall line in this phase. The UK rejected concrete commitments in the beginning. This was for instance the case during one of the first international 'political' conferences on climate change in Noordwijk, The Netherlands, in 1989 (Oberthür, 1993: 25).

Still in 1990, the 'Environmental Imperative Declaration' was issued from the Dublin Summit. This declaration stated that '[t]he Community and its Member States have a special responsibility to encourage and participate in international action to combat global environmental problems. Their capacity to provide leadership in this sphere is enormous'¹². Thus, an overall goal – again *joint* and *shared* – was officially decreed: that of international climate change leadership.

By making these decisions, the EU left rather decisive and lasting stitches on the fabric of international climate change politics. Firstly, it decided that climate change should be addressed *collectively* – not only at home, but on the international level. By choosing the international leadership role, the EU additionally presented itself, if not as a homogenous entity, then at least as a bloc on the international level. Similarly, albeit more implicitly, a link was made between the EU level and the international level in this context; international leadership, at least as it was and is still commonly presented, requires satisfactory action 'at home'. Lastly, and as mentioned previously, this leadership role was from the beginning directed *against* the USA.

In Rio, states agreed on a United Nations Framework Convention on Climate Change. This convention acknowledges climate change as a man-made problem and the responsibility of developed countries, in particular, in this respect. Equally, it calls for

[a] stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner. (UNFCCC, Art. 2)

During the first Conference of Parties¹³ (COP-1) in Berlin, the parties issued a mandate to supplement the UNFCCC with a protocol or with another legal instrument. At COP-3 in Kyoto, such a protocol (the 'Kyoto Protocol') was accepted. The Kyoto Protocol includes concrete greenhouse gas (GHG) reduction commitments for developed countries (adding up to an average of minus five percent in the period 2008-2012, compared to GHG emissions in 1990) and a 'market-based' GHG reduction approach.

¹² See http://www.europarl.eu.int/summits/dublin/du2_en.pdf.

¹³ As the glossary of the UNFCCC website explains, the Conference of Parties is the 'supreme body of the Convention. It currently meets once a year to review the Convention's progress'. Since the Kyoto Protocol came into force, the COP also 'serves as the meeting of the Parties to the Kyoto Protocol. The sessions ... are held during the same period to reduce costs and improve coordination between the Convention and the Protocol' (UNFCCC, n.d.).

The latter is epitomised by the flexible mechanisms, which stimulate reductions through economic incentives.¹⁴

Although the Clinton administration, unlike its predecessor, acknowledged climate change as a problem and showed a basic willingness to tackle it, many EU Member States considered the US's approach as lacking ambition. For them, it was both too soft and too permissive. In 2000, the COP in The Hague, where details of the Protocol were to be clarified and decided, collapsed because of participant conflict. Contentions existed not only between the EU and the US, but also between EU members on how to deal with US demands.

In 2001, the Bush administration came to power and changed the US's overall course on climate change by declaring that the US would not ratify the protocol after all. The EU immediately announced its intention to save 'Kyoto' and pressed other countries to adhere to their initial commitments. However, it faced the problem of confirmation: if the protocol was to come into effect, it would need to be ratified by at least 55 parties to the Convention. The latter, in turn, had to account for at least 55 percent of the total GHG emissions of Annex I countries¹⁵. The overall future of the protocol thus remained uncertain until Russia ratified it in November 2004. Ninety days after Russia's ratification, 'Kyoto' was a legal reality.

In the meantime, climate change politics has become an issue that is no longer limited to the UN track. In recent years, it has figured rather prominently on the to-do lists of meetings of the Group of Eight (G8) or on the agendas of the US-initiated Major Economies Meeting (MEM). Compared to the UN process, however, the latter fora have a more exclusive character: either not all EU Member States are present (MEM) or the EU as a legal entity is not a party (G8). Thus, the EU has not only had to face the broader, more general question of whether or how these new processes are related to the UNFCCC, but it has also had to deal with a varying EU 'cast' in the different fora.

Since 'Kyoto' expires in 2012, talks on a 'post-Kyoto' regime have already begun. According to the Bali Action Plan from COP-13, parties ought to agree on a Kyoto follow-up regime by COP-15 in Copenhagen, in December 2009. Many commentators hope that under the Obama administration, the United States will agree to

¹⁴ For more details on flexible mechanisms, see Yamin, 2000.

¹⁵ The Annex I to the UNFCCC lists countries that have a commitment to stabilise/reduce their GHG emissions. It mainly includes 'developed' countries.

commitments this time. The EU, for its part, has already declared its intention to retain leadership in the next phase of negotiations.

The EU: More than the sum of its Member States?

A new actor

Even today, the EU is regarded as somewhat of a curiosity in international politics; in the early nineties, it was conceived as an outright novelty. This meant that the EU had to fight battles that 'normal' states had fought a long time ago and whose outcomes and consequences had become sedimented and taken for granted ever since. As Tom Delreux points out, '[s]tates are *traditionally* and *historically* the main subjects of international law'; as such, 'their participation in international negotiations is not contested' (Delreux, 2006: 232,233, emphasis added). For constructions such as the EU, however, the case was altogether different in the 1990s.

Whereas in the 1990s, any recognised state was free to participate in international climate negotiations and to become a party to its conventions and protocols, the same was not true for the EU. In that sense, the earlier statement that international climate change politics were, discursively, a relatively untouched field of politics needs to be specified. No discursive field is ever completely 'blank' but always partially structured, and so were international climate change politics. They were *inter-national*. *Nation states*, or at least those that were commonly accepted under this label, uniquely held the 'ticket to the ball' (Waever, 1995: 420), purely on account of their statehood. In contrast, what the EU qualified for was uncertain. The only certainty was that it was *different* and, as such, viewed with suspicion. Consequently, the EU was not admitted as a distinct party during the conferences of the INC but was represented by its Member States (Steffan, 1994: 86). During the UNCED itself, the European Community (EC)¹⁶ was officially accorded 'full party status'. This status,

¹⁶ The terms European Union (EU) and European Community (EC) have so far been used interchangeably. This has become an implicit convention in common language use. From a legal point of view, however, the two are distinct. 'The EU' was only established by the Treaty on European Union in 1992. Before, the regional-political entity it refers to was commonly known as 'the EC'. Today, the EC is but one of the three pillars of the EU (see Pollack & Shaffer, 2001: 40 for more details). In the context of international negotiations, the two need to be differentiated in principle, as the EU lacks the international legal personality that is needed to enter agreements: 'A first condition to conclude international agreements and to become a party to these is possessing international legal personality ...

however, was in effect less full than that of 'real' states (Kraack, 2000: 224).¹⁷ When the EC finally became one of the ratifying parties to the United Nations Framework Convention on Climate Change, and later to the Kyoto Protocol, it did so *parallel* to the Member States.

For the composition of delegations, this means that the delegation of the European Community mainly comprises Commission staff, accompanied by interested MEPs, who, however, do not have any formal role (Oberthür, forthcoming). Member States have their own, separate delegations. This reduces the Community to what is commonly labelled 'Brussels' (a vague shortcut for the EU institutions) – or, taken one step further, to the Commission.

Consequently, identity formation, from the outset, was more straightforward for the Commission staff and MEPs than for the civil servants of the Member States. The latter represented their country. In negotiations, they were 'France' or 'Sweden'. For Commission staff, however, being part of the Community delegation merged with representing and *being* the EU. This confusion becomes apparent in many of the statements made by Commission respondents

In the beginning, when we started to discuss climate change, there were relatively few areas *where the EU could really claim, or the Commission could claim* that there was a clear EU competence (Commission respondent, emphasis added)

At that time, *we were parties, the EU was a party* to the Climate Convention So therefore, then *we were recognised* in that context But before you had the Convention ... *we were just sort of a bit of an outside body* (Commission respondent, emphasis added)

The Commission, I mean, normally the way the EU will negotiate in international agreement is by – given a mandate. (Commission respondent, emphasis added)

In these accounts, Commission and EC/EU merge into one fuzzy entity. This is accentuated by the Commission staff's use of the pronoun 'we' in this context, which

The main point is that the European Union ... does not hold international legal personality, in contrast to the European Community Consequently, the EC – and not the EU – is able to conclude international environmental agreements' (Delreux, 2006: 233). Since this is the case, an official 'EU delegation' does not exist in international negotiations, but there is an EC delegation.

¹⁷ In particular, the EC lacks voting rights under the UNFCCC (Van Schaik, forthcoming).

indicates that identification has gone beyond a purely representational stadium ('we as the Commission *represent* the EU/the Community'). At least in this context, the respective respondents do seem to feel that they *are* the EU.

The above statements indicate that members of the Community delegation seem to have fully adopted a distinct European identity. The question remains as to whether the same can be said for civil servants of the Member States. After all, Member State representatives so far largely have remained in their national setting. They are still full peers to the other fellow state parties. Given that the formal status quo for Member States has not changed drastically, it could be expected that civil servants mainly think of themselves in terms of the country they represent, and that there is hence a basic identificational divide between EU institutions and Member States.

EU coordination and representation

A short glimpse on the EU's system of coordination and external representation seems to support this assumption, as this system, especially in the beginning, echoed the state-centred discourse that dominated international climate change politics. Even when the UNFCCC came into force and INC meetings were replaced by the COPs, this change did not impact the distribution of competences between the Community and the Member States. In short, although the Community had gradually become a formal party, the Commission's formal role within the EU's coordination and representation setup was restricted to the benefit of the Member State Presidency. The Presidency was in charge of negotiations and spoke on behalf of both the Community and the Member States. In doing so, it was bound by a mandate from the Environment Council of Ministers, and thus, in abstract terms, by its *fellow states*. High level negotiations, on the other hand, were handled by the troika, a triumvirate of the former, the current, and the incoming Presidency. The troika constellation had no former legal model in EC environmental policy; it was simply taken over from the Common Foreign and Security Policy Pillar (Van Schaik & Egenhofer, 2003: 3). It can thus be concluded that, as far as international climate change politics are concerned, the EU worked in a state-centred environment in a rather state-centred setup for a long time.

Unlike the field of climate change politics, negotiations in other fields of 'mixed competence' (i.e., fields 'in which both Community and Member State

competences apply' (Elgström, 2003: 57)) have experienced a shift of competences to the Commission.¹⁸ In these cases, the Commission has been accorded a mandate by the Member States to lead negotiations. This could also have been an option for climate change politics, and according to a number of Member State respondents, discussions on 'who should speak' keep recurring. Yet, according to one of the respondents, these discussions have always followed the same pattern:

The Commission ... wanted to have the role of the one that speaks for the EU, just as they did in the case in the Montreal Protocol. That has always been rejected by the Member States. (Member State respondent)

During the interviews for this research, the mandate question was certainly one issue to which respondents replied emotionally with quite pointed statements. As in the above quotation, Member State respondents predominantly described issuing a Commission mandate as something they, the Member States, rejected unanimously:

It has always been the clear opinion of *the Member States* that *we* do this through the Presidency (Member State respondent, emphasis added)

Of course it would be possible to have the Commission negotiate in domains of mixed competence, but that is something *the Member States* do not want (Member State respondent, emphasis added)

The Member States ... did not want to cede all their competence to the Commission (Member State respondent, emphasis added)

It has not been the practice and it will not be the practice under current rules that *we* give a mandate to the Commission. To negotiate. (Member State respondent)

In this context, Member States are depicted as peers, as forming a coherent group ('*the Member States*'). The use of the pronoun 'we' is very telling in this respect. As a non-state, the Commission is excluded.

In the accounts of the Member State respondents, the Commission and the Member States are juxtaposed: the Commission wanted something that *the Member States* consequently declined. In addition, in the opinion of several Member State respondents, the Commission's line of action is suspicious and sneaky. Respondents

¹⁸ For instance, the Commission was granted a mandate to negotiate on the international cooperation for the protection of the ozone layer in 1982 (Oberthür, 2000: 100).

were prone to interpret the Commission's actions as attempts to *snatch* competences to the *detriment* of the Member States:

The Commission tried to *take over* the primacy in the field of climate change from the Presidencies. That failed. Consequently, that created very much distrust between the Member States and the European Commission (Member State respondent, emphasis added)

My very first impressions of the Commission were already in '96 that it claimed the negotiating mandate. That it thus made a big effort to roll back the influence of the Presidency and the troika. (Member State respondent)

To state it in DT terms, many Member State respondents, at least in this context, perceived and depicted the Commission as a potential outside threat to an inside, i.e., the community of EU Member States.

This interpretation of the mandate issue, however, is in no way natural or self-evident. It represents the dominant discourse in this context, and, as such, it dwarfs alternative ways of meaning making. Although overshadowed, these alternative ways of meaning making do exist. In the interviews, they existed on the part of Commission respondents who depicted the question of 'who speaks' as a *legal* question that was to be decided by referring to basic *legislation*:

It has to be sort of acknowledged, that even though ... gradually there is a stronger EU competence in the areas which are important for the mitigation of climate change, there was never any effort made to change this somehow anachronistic setup. That it was always the Presidency that did the negotiations (Commission respondent)

You could say that increasingly three-fourths of the CO₂ emissions are being managed through European law, and the standard equation is that, when we mirror international competence with internal competence, it should be the EU speaking (Commission respondent)

The remaining point ... is whether at some point the Commission will take over the competence to negotiate these things in international fora. As in principle, they should, if you go back and read the treaty on how the EU is conducting its international business. (Commission respondent)

Just as many Member States respondents considered that their right to speak was based on their *statehood*, many Commission respondents believed that the Commission's right to represent the EU stemmed from *legal* texts. In this respect, respondents either implicitly or explicitly referred to the 'doctrine of parallelism between internal and external competences' (Delreux, 2006: 235), which the ECJ established in the context of the infamous ERTA case:

[W]hen the EC has first elaborated measures in a particular policy area, it is able to conduct external relations in that domain Following the 'in foro interno, in foro externo' principle, conducting external policy does not have to be based on explicit provisions in the Treaty ... external policy can also arise from internal measures. (Delreux 2006: 235)

According to the ECJ decision, the distribution of competences on the international level hence should mirror that on the EU level. As Commission respondents refer to this principle to defend a re-distribution of competences, legality and legitimacy in their accounts closely coincide.

This legal logic, however, not only appealed to Commission respondents. It also resounded with some of the Member State civil servants, in particular those that had a legal background:

The Commission has ... grown stronger ... parallel to its making ever more regulation proposals for the European Union. And thus the influence got bigger. Seen from a legal point of view ... the external power ... also grew stronger. Seen from a purely legal point of view (Member State respondent)

At the end of the nineties we were much more focused on the Member States and now are much more communitised in this area ... which fortifies the role of the Community for which the Commission is speaking. (Member State respondent)

Member State respondents have thus not unanimously deemed Commission claims to 'speak for the EU' as illegitimate. Likewise, the views that 'competence snatching' lies in the general 'nature' of the Commission and that it is the general 'strategy of the Commission to usurp competences' (Member State respondent) are not something that all Member State respondents subscribe to. Particularly those respondents who have been involved in earlier phases of international climate change policy depict the Commission's behaviour as far more timid:

To give the negotiating mandate to the Commission was never really pursued, not by the Commission either ... I was also astounded that they did not force it, I recall that, but that's the way it was. (Member State respondent)

To sum up, the hegemonial discourse on mandate matters among Member State respondents approached what conventional EIS asserts. In the context of the mandate issue, most Member State respondents perceived a split between the two camps of 'the' Member States and 'the' Commission. They referred to the 'peerness' and solidarity between the Member States, and to the common suspicion towards the Commission, which they considered the threatening outside intruder. In fact, a potential Commission mandate was linked to notions of relinquishing competences that, by nature or history, or simply as a matter of principle, were supposed to be 'the states'.

This seemingly monolithic discourse, however, is more inconsistent than is at first obvious. Some Member State respondents interpreted not only the legitimacy of Commission mandate claims differently but also how vehemently or 'pushy' the Commission tried to see them realised (see above). In this respect, the hegemonial discourse was weaker in dominating meaning making and identity formation than might have been expected.

Coalitions, loyalties, identities

As indicated in chapter 1, academic research has frequently 'zoomed in' on mandate struggles. In the case of climate change, a scientific reification of the hegemonial discourse in mandate matters is problematic because it obscures not only the existence of competing discourses but also the various cracks and inconsistencies that are discernible in the wider context. It suggests that EU cooperation in international climate change politics is dominated by a schism between the Commission, which is trying to enlarge its competence base, and the tight-knit community of Member States, which is trying to keep the former in check. The assumption that one singular Member State identity opposes one singular Commission identity, however, neglects two things: the proximity between the Commission and *some* of the Member States as well as the divides *between* Member States themselves.

During the interviews, it became apparent that several Member State respondents did not view the Commission, either on the EU or on the international level, as others did. Some of them saw more similarity between their country and the Commission than between their country and other Member States, especially in terms of 'environment mindedness'. *Together with* the Commission, these respondents wanted the EU to become an environmental leader. *Together with* the Commission they also deemed themselves as belonging to the progressive fraction of those in the EU that valued 'ecology' more than others. Consequently, their opposition was not the Commission, but *laggard* countries.

Narratives of schisms between Member States recurred in the interviews. Often, respondents reported on struggles between 'big' and 'small' Member States. In some contexts, then, divides were embedded in discourses that centred on the different sizes of Member States rather than on institutional affiliation. In these contexts, Member State respondents did not think of themselves as belonging to 'the' group of Member States, which was basically the case in the context of the mandate question. Instead, they associated themselves with a special *kind* of Member State – either big or small. The criteria for this distinction were neither explicit nor consistent, but oscillated between several factors such as geographical size, alleged economic or political power, or historical considerations (former empires or not).

Respondents of other Member States not only referred to a Member State as big or small, but the respective Member State respondents themselves used these labels. As these examples illustrate, being a small or big Member State was and still is part of a Member State's identity formation in international climate change politics. It often lies at the foundation of meaning making:

Austria ... is a small country, you see? It is a small country within the EU (Member State respondent)

[On the relation between Scandinavian Member States and the respondent's own country] We, well, have similar positions. And that is, I think, due to the fact that we are all small and know that we cannot do it alone. (Member State respondent)

As already mentioned, the reason why a Member State is referred to or refers to itself as big or small is mostly inconclusive. In the interviews, the Scandinavian countries, for instance, were identified as small Member States. Yet, Sweden has both a larger geographical size *and* a higher per capita gross national capita than Germany, an

allegedly big Member State. Admittedly, Germany has a larger total population. However, few people would speak of Spain as big Member State, although it has the fifth largest population of all EU countries and therefore a considerable number of votes in the Council. These examples demonstrate the arbitrariness of this kind of categorisation, and thus its *political* character.

In the past, to think in the categories of 'big' and 'small' Member States provided a breeding ground for tensions and conflicts in international climate change politics. The reproaches made during the interviews were reciprocal. 'Big' Member State respondents criticised the 'habitual mistrust' (Member State respondent) that small Member States displayed towards big Member States and, in particular, towards big Member State Presidencies. Respondents also complained about

small Member States imagining that we are having parallel negotiations with the US or with China or with Russia or with Japan and that there is some deal being done behind people's backs. (Member State respondent, emphasis added)

Respondents of allegedly small Member States disapproved of the fact that they were unable to participate in crucial negotiations and that the 'big ones' pursued an agenda of their own:

Sometimes you really had deals being made between France and the UK together with the President, without other Member States being involved. (Member State respondent)

According to the respondents, the discrepancies between big and small Member States became most virulent during COP-6 in The Hague. Again, small Member States felt that they, on account of their lack of weight, were both disregarded and discarded by big Member States when it came to 'real talks':

There were ... talks in which we as X ['big' Member State] have also been involved ... in order to save the lot. And these ... ran in parallel. And for those not involved, those were some meetings in different rooms. And that caused distrust And ... in the case of the small ones [the small Member States] it induced the feeling of "we are no longer in". (Member State respondent, emphasis added)

Although small Member States were kept 'outside' crucial talks, this did not mean in the eyes of the respective respondents that their countries were outsiders. Small Member States identified the big Member States as the odd ones out. In their

accounts, the big ones had moved beyond the Community framework and had interests and an agenda of their own instead of representing those of the EU. Because of this, small Member States were forced to intervene at times.

After COP-6 collapsed, the discourse of small Member State respondents became hegemonial. The failure of COP-6 was widely associated with the fundamental disparateness of the EU internally and, in particular, with the 'single-handed' actions of big Member States. The latter were no longer accepted as making 'efforts to save the lot' (see above) but were decried as practicing 'anti-communitarian' behaviour.

Ever since COP-6, big Member States have made a concerted and rather explicit effort to shun any possible impression of unilateralism. They emphasise their vigorous attempts to include their fellow Member States as much as possible:

I was in every single [international] meeting and every single discussion and I had a sense of what would happen. And others [other EU Member States] weren't. And therefore you had to spend a lot of time reassuring and persuading, and, you know, bringing them along. Making sure they understood the strategy (Member State respondent)

We just had to explain to people. You just had to keep talking to them. You just had to keep them informed about what's going on (Member State respondent)

Don't forget to properly inform all Member States. Otherwise there is a risk that they will drift to the margins. And that can't be healthy for such a process. (Member State respondent)

To conclude, while the 'peeriness' and the commonality between Member States was prominent in the context of the mandate question, these feelings were replaced in other contexts by more inclusive notions of equivalence among a *limited* number of Member States (at times including the Commission).

In the context of international climate change politics, the Member States-Commission antagonism hence did not singularly dominate meaning making and identity formation. Rather, schisms existed that crossed and separated the bulk of Member States. The outside, in these instances, was not the Commission, but the respective 'other' group of Member States.

EU on the move – Discursive shifts

New discourse in sight?

The aversion that Member State respondents displayed towards a potential Commission mandate could also obfuscate the fact that they generally seemed to disapprove of the current system of a rotating Presidency, too. Indeed, virtually *all* respondents criticised the idea that Presidencies represent the ‘face’ and the ‘voice’ of the EU:

The fact that the EU has changed its main negotiator every six months is not an advantage. And it's particularly not an advantage when you end up with a bad negotiator. And I think I would daresay ... that the environment minister of X [EU country] who was actually the one who was meant to conduct the negotiations for the EU in X [at a COP] was not the person who would have been chosen for that job, if there had been alternatives (Commission respondent)

[On Presidencies in general] Sometimes people ... arrive without a great deal of knowledge (Member State respondent)

The difficult thing about the EU is that it is very closely linked to the Presidency ... every six months there is another one. And there are big differences (Member State respondent)

Depending on the capacity and frankly the competence of the individual Presidencies, the EU performed well or it didn't perform well (Member State respondent)

With the changing Presidency every six months, it was rather down to good luck or bad luck whether the lead minister was a good negotiator or a poor negotiator. (Member State respondent)

In their interviews, Member State respondents generally associated having a rotating Presidency in charge of coordination and external representation with signifiers such as luck, volatility, and temporariness. The rotating Presidency was seen as an imponderable factor ‘X’ in the EU's performance calculation.

Yet EU performance was important. As became apparent in the interviews, it had gradually become a major, if not the main, concern to Member State respondents. Rather than pursuing individual Member State success, Member State respondents had seemingly moved to putting EU fortune first. To ensure EU success, however,

they no longer considered a rotating Presidency satisfactory for negotiating. Respondents desired reliable, continuous EU negotiators instead, people who could convince because of their capacities and competences and who were recruited because of them. Only once the EU had found such people could it make a bigger impact and actually attain the goals it set.

Although associating the rotating Presidency with failure was dominant in most of the respondents' accounts and is also a recurrent theme in scientific publications (see Bretherton & Vogler, 2006: 177), such a chain of articulation is neither necessary nor self-evident. As demonstrates the following statement, alternatives ways of meaning making in the context of the rotating Presidency are conceivable and do exist:

The rotating system certainly is good. There are always fresh forces coming in, there are Member States of different strength coming in Over the time, there is also a certain balance of interests ... plurality of opinions. I would say that, seen from a democratic perspective it is more sensible that there is a rotating Presidency.
(Member State respondent)

This articulation differed from other articulations in this context in crucial aspects. In the statements of other respondents, EU performance was a key signifier. In this quotation, however, EU performance was completely absent. In its function as a key signifier, it was replaced by democracy; chains of equivalence ran between signifiers such as difference, plurality, and balance of interests. The temporariness of the Presidencies was no longer connected to a lack of continuity but to the arrival of *fresh forces*. As such, the good-bad hierarchy of competing accounts was thoroughly reversed.

Yet, this quotation was the exception to the rule in promoting democracy as key signifier. Generally, 'democracy' – a powerful signifier in many other contexts – was dwarfed by other signifiers. This did not only pertain to the issue of the rotating Presidency; in most of the interview texts, 'democracy' was virtually absent when it came to the EU in international climate change politics.

'EU performance', on the other hand, has become a truly dominant key signifier, even to the extent that it enabled a major institutional overhaul of the EU's coordination and representation setup. This major overhaul comprised several changes, the first of which was the decision to integrate the Commission officially into the troika.

As Member States were generally reluctant to invest the Commission with more competences than they deemed necessary, this remained the only explicit step to enlarge the role of the Commission formally. Still, Member States were caught between a rotating Presidency system that they saw as malfunctioning and a Commission mandate that was rejected for reasons of principle. Consequently, more creative ways to circumvent formal institutional impasses had to be found. In the 1990s, the first deviations from the 'the-Presidency-speaks' principle began to appear:

During Buenos Aires [the COP in 1998] we decided to have the comprehensive strategy negotiated by somebody who was not ... presiding the WPIEI¹⁹, but by X [a civil servant of an EU Member State]. And he was thus the 'special envoy', or I don't know how to call it, of the EU in the field of climate change He is very good at that, he could orchestrate it all very well, he had a very good notion of the whole game. (Member State respondent)

The EU's Catch-22 situation, however, asked for further, more drastic and more lasting changes. These changes gradually evolved into the current system of 'issue leaders' and 'lead negotiators'.

Changes mostly concerned the responsible EU working party, the WPIEI (CC). The WPIEI is responsible for the bulk of EU coordination and representation in the negotiations. This working party mainly consists of the climate unit heads from the environment ministries as well as officials of the Directorate-General (DG) for the Environment (Costa, 2008: 536), who meet once or twice a month. Before international negotiations, the working party prepares the EU position (Van Schaik & Egenhofer, 2003: 78). During COPs, working party members sit at the negotiating tables for most of the conference, whilst the high-level segment with ministers etc. occupies only the last few days. In the opinion of scholars, WPIEI (CC) has surpassed the status of a group of experts who merely prepare 'the technical aspects of the ministries' decisions'. On the contrary, '[e]nvironmental Ministers usually give approval to the decisions taken by the WPIEI/CC' (Costa, 2008: 536).

The WPIEI (CC) was gradually divided into as well as supported by expert groups. These groups focused on special issues within the broad subject of climate change and the climate change regime, for example, 'sinks' or 'technology transfer' (see also

¹⁹ The official Working Party on International Environment Issues is divided into two working groups: a) global environmental aspects of sustainable developments and b) climate change. The latter one is the WPIEI (CC) (Van Schaik & Egenhofer, 2003: 4).

Oberthür, 2009: 197; Van Schaik, 2006: 78). As Sebastian Oberthür elaborates, '[t]he establishment of these expert groups ... to some extent mirrored the differentiation of the international process in which ... these issues were also increasingly discussed in separate negotiating groups' (Oberthür, forthcoming).

In a later step, issue leaders and lead negotiators were recruited for these groups. As described in internal documents, issue leaders take the lead in preparing relevant draft documents, position papers, statements and speaking notes whereas lead negotiators lead the negotiations in contact groups of the UNFCCC on a particular issue for the Presidency. Both issue leaders and lead negotiators are chosen on the basis of their personal ability, experience and qualities, and they are supposed to work together as a team. The current Presidency, with feedback from the WPIEI (CC), formally composes the complete list of lead negotiators and issue leaders. Usually, however, the Presidency considers the preferences of the respective expert groups when assigning these posts.

The introduction of this system of lead negotiators and issue leaders is historically linked to the Irish Presidency in the first half of 2004. The Irish Presidency adopted this system after a special session on how to improve efficiency and effectiveness of EU working arrangements for international climate change negotiations. When the Irish Presidency implemented the new working arrangements, it was agreed that this decision would not bind future presidencies. This notwithstanding, the system has been in place ever since. As clear from the interviews, the system enjoys considerable approval and support from both Commission and Member States.

The new system was strongly embedded in the discourse that had formed around the 'EU performance' signifier. As one respondent put it, the origin of this system lay in the perceived need

[to] react to the fact that you need more constancy and more professionalism It emerged ... because we realised that it is simply inefficient and also is perceived as strange by the outside, that every six months there are new people Neither are they good at this, because they do not have a period of vocational adjustment, nor ... do they have a chance to build up a network, so that people know them, recognise them as a negotiator ... and this is where some people say, we have to shift this more towards the Commission. That would have been politically impossible. (Member State respondent)

In this statement and earlier quotations, signifiers dominate that have a distinctly managerial flavour (professionalism, inefficiency). The same or similar signifiers also dominate respondents' accounts of how lead negotiators and issue leaders are recruited. Whereas in earlier times the question of 'who speaks' was dealt with on a principle of Member State ratio (as a Presidency, each Member State served an equal term of six months), the *experts*, as they are called, are appointed by other criteria:

Let's say that it's a mix of ... resources and quality and let's say regional balance. But ... especially the more technical and the less political it gets, the experts' knowledge counts. You just realise that. Those are the best people (Member State respondent)

I think there's a much greater recognition that we have, you know, talent throughout and that the European Union should use it to its best advantage, really. (Member State respondent)

These quotes illustrate that the underlying principle of selection moved from one of Member State affiliation to one of expertise in the name of both increasing effectiveness and improving the output. In addition, as experts no longer needed to change every six months, *seniority* is stimulated:

These would be people who were experts and really knew the subject And they would follow that subject maybe for two or three years. So that meant that there was much more continuity. You had people who knew what they were doing. (Member State respondent)

From the preceding statements, it can be concluded that the change in the EU's coordination and representation setup was an expression of the discursive shift that had taken place in this context. 'EU performance' became established as the key signifier of a new discourse that preponderantly drew on 'managerial' signifiers. This shift enabled an institutional setup that was primarily based on considerations of institutional affiliation to develop gradually into one that operates on criteria such as expertise and seniority.

However, the question remains as to what became of the Commission in such an altered discursive setting. In this respect, it is striking that the 'new' system of coordination and representation and the signifiers that form its discursive embedding correspond to the signifiers with which the Commission is commonly associated:

The Commission ... always had good officials, who were a dab hand at the subject of climate (Member State respondent)

They have good expertise. They have some good people (Member State respondent)

Nowadays ... super-experts are sitting in the Commission. Who also do not fluctuate as strongly as in many of the Member States (Member State respondent)

They play an important role because they pretty much provide continuity, there are capable people sitting there (Member State respondent)

[On the improvement of the EU on the international scene] That was partly also due, I think, to having very good people in the Commission team. Who were the continuity. (Member State respondent)

Because the EU's coordination and representation system works on the principle of institutional affiliation only in formal terms, and informally follows a discursive logic that complies with the Commission's assets, it provides the best platform for more Commission activity and responsibility beyond the troika. And indeed, Commission staff were nominated as lead negotiator or issue leader in the past. The most prominent nomination case may be the appointment of a Commission official as lead negotiator for the expert group that deals with the issue of a post-2012 regime, one of the key issues in current negotiations. According to respondents, this nomination did not meet many objections:

On at least one of the key issues, the work of the ad hoc working group on the future targets for developed countries, we have given a particular role of negotiator to the head of delegation of the Commission It is the choice of a person rather than an institution. I think there is one or two people who question whether it is the right choice not on the grounds of the person, but because it is the Commission. I certainly never had any problems on that. Cause I've always seen it as being using the best people We looked at a few people who could be negotiator. I thought it was by far the best choice. Everybody else did. And we all agreed very quickly on that one. (Member State respondent)

The new negotiating system seems to allow for more Commission participation, as experts are no longer judged on the basis of their institutional affiliation. Often, they are even no longer linked to or identified with it. Respondents saw experts not as 'negotiator X from the Commission' or 'negotiator Y from Member State Z'. Experts

were perceived simply as 'a person negotiating on behalf of the European Union' (Member State respondent).

The 'managerialisation' of the discourse largely de-politicised competence distribution in the context of the coordination and representation setup. In a discourse dominated by signifiers such as 'performance', 'effectiveness', or 'expertise', respondents no longer considered negotiators as 'political' actors in the conventional sense, loaded with national (Member States) or institutional (Commission) power interests. Actors became *experts* who possessed technical knowledge or other managerial assets such as negotiating abilities.

In this respect, the 'EU performance' key signifier and its 'aides' managed to nullify the discursive divide between Commission and 'the Member States' that was prominent in competence distribution on the international level and that was supported by a state-centred discourse. As such, the turn towards 'EU performance' had an equalising as well as unifying effect. Somebody negotiates on behalf of and for the benefit of *the EU*; this is what counts and not their institutional affiliation.

This means, however, that two key signifiers try to dominate and structure the same discursive field independently of one another. After all, the principle of the rotating Presidency is still formally upheld, and Member States refuse to cede competences to the Commission. Here, the statehood signifier is still dominant and juxtaposes Member States and the Commission. Informally, however, 'EU performance' sets the tone, and institutional arrangements have been adapted accordingly, albeit in a non-codified manner. Affiliation with either the Member States or the Commission is quasi-irrelevant and has been replaced by 'managerial' criteria. Given these seemingly contradicting logics, how has co-existence between the two key signifiers been maintained?

The first tentative answer given here may at first appear to be more of a truism than an analytical insight. That these signifiers have so far managed to coexist rather peacefully could be because they are commonly not *associated* with the other. This 'schizophrenia' has so far not caused any practical problems. On the contrary, it allows Member States to uphold, on the one hand, a discourse boasting their statehood and sovereignty. In this way, they can display an unwillingness to do something that would allegedly be a 'submission' to the Commission. On the other hand, Member States simultaneously engage in a discourse in which 'the EU' strives to excel

internationally. This discourse focuses on fulfilling the leadership role that the Union has designed for itself over the last two decades.

For most of the respondents, the mandate question and the practical, everyday system of lead negotiators and issue leaders were two separate spheres of thinking and acting. Only in singular cases were respondents aware of this construction's distinct advantages and the 'win-win' situation it creates:

You work with a hybrid that allows both sides to tell the outside, we did not cede any competences. (Member State respondent)

According to the same respondent, the two spheres need to be kept separate, as any connection between them would expose their basic *incommensurability*:

One has found ... very functional compromises ... in which the Member States and the Commission can formally retain their position ... when outsiders come in, these are sometimes people who would like to make a particularly hard separation [of competences] ... in that case things would come out which have actually long been forgotten and long been overcome. (Member State respondent)

New discourse at work

On the basis of what has been said so far, it can be argued that the discursive structuration in the context of EU competence distribution in international climate change politics is less straightforward than it appears. Although the rotating Presidency principle, embodying the statehood signifier, has been retained, an alternative key signifier has emerged in its shadow. This signifier dominates widely how the EU is thought of and how it currently 'works' in this environment.

Especially after 'The Hague', 'EU performance' became central. This meant, first of all, that thinking in terms of 'Member States' (for instance, in terms of their interests) was largely subordinated to thinking in terms of 'the EU'. Secondly, the 'EU performance' signifier ensured a certain degree of *legitimacy*, as performance, effectiveness, and similar signifiers occurred and still recur in accepted and established discourses in all societal contexts conceivable – they are part of current 'neoliberalist' imaginaries. Consequently, a well-performing EU would be more readily accepted than an ill-performing Member State.

'EU performance' is strictly seen no monolithic signifier but can be divided into two dimensions: 'EU' and 'performance'. It is in their interplay that the two became powerful. For respondents, a *common* ambition (e.g., making 'the EU' a powerful player, improving 'the outward face of the EU' (Member State respondent)) and *common* policy goals (e.g., what 'the EU' wants) were no longer subject to discussion, but presupposed:

You know, we came to Bali [COP-13] knowing exactly what *we wanted*, how we wanted it, how we wanted to get there ... we got just about everything we wanted and more than what we expected (Commission respondent, emphasis added)

I certainly felt that under the UK Presidency, *we were able as the EU* really to say, this is the outcome we want to the Montreal climate change conference. And we are going to talk to them and we are going to talk to them and we are going to bring it together. (Member State respondent, emphasis added)

At the same time, 'EU performance' had a disciplining effect, as a united EU and good performance came to be thought of as going together. A good EU performance required internal unity, and unity was closely associated with success. Conversely, discordance was associated with failure:

On the subject of climate change, the European Union was indeed very respected. And ... that of course kept developing in a positive manner the more we could show we act as one (Member State respondent)

We can only win when we are united (Member State respondent)

[About the 'failed COP' in The Hague] And I did not think that the European Union operated at its best at that time. Much discordance (Member State respondent)

The EU can only negotiate effectively with the USA or with China when we are acting collectively and as one (Member State respondent)

We realised very early ... that we can only effectively communicate our positions to the outside when we really speak with one voice (Member State respondent)

It's been a gradual change, with more and more Member States realising that speaking with one voice is strengthening the position. (Member State respondent)

Although EU performance was closely linked to notions of EU unity, the discourse it structured was flexible enough to integrate the separate parts, the Member States, as well. The parts were seen as quintessential in achieving the goal of the whole:

The climate negotiations have become very complicated. And ... I think that no one can raise ... all the expertise, all the personnel that is necessary to follow that. So we are condemned to join forces (Commission respondent)

We have huge resources, and we need to use them as a collective whole. (Member State respondent)

'EU performance' discourse and embedded practices hence are able to tame the ever present tension in EU matters, namely that the EU is *one* consisting of *many*. They manage to integrate and to balance both unity and diversity; they depict them not as opposites, but as forces working in favour of one another.

In the respondents' views, this was the case for the new system of coordination and representation, as it allowed for more people to speak without challenging the overall impression of 'EU unity'. In the current EU constellation, 'the parts' and 'the whole' are perceived to peacefully coexist or even mutually benefit one another. During the interviews, the respondents thought that the EU as a whole profited from what its parts had to offer:

[On the new coordination and representation system] That developed into a much more effective way of working. And over time the EU prepared better in advance, and it pooled its resources. (Member State respondent, emphasis added)

The 'success story' of the 'EU performance' signifier, however, did not stop here. As boosting the EU's performance became a *common* ambition, the perceived differences between Member States became less relevant, and their conflict potential decreased.

This was arguably the case for the tensions between big and small Member State. As previously mentioned, respondents of 'big' Member States were eager to state that they renounced the single-handed approach of earlier times and that they were making genuine efforts to act as 'inclusive' and 'communitarian' as possible. Small Member State respondents, on the other hand, seemed to have put aside their suspicious attitude towards their big peers. While they had previously been anxious when big Member States potentially moved outside of marked EU terrain, their

interview statements indicated that they currently seem to be far more relaxed with similar activities. This is striking since big Member States are nowadays active in fora such as the G8, to which small Member States are not even admitted²⁰. Nonetheless, small Member State respondents asserted that distrust remains at a fairly low level:

[On climate change negotiations within the G8 framework] Some of the other Member States indeed have difficulty with it, because they say, we are not part of the G8. But I think, well, if this is instrumental to the process ... it so happens that we have very many converging positions with the UK, Germany and France in this domain, also with Italy The fact that they do it [negotiate on climate change issues in G8 fora] saves us time (Member State respondent)

Some ... think of course that the process [in G8 or MEM fora] is not transparent. But [UNFCCC] negotiations aren't either. Because it always starts off in a very transparent manner, everybody can talk about first steps. But at the end, decisions have to be made. And you always end up in the small rooms. There is nothing to be done about that. So what you have to do is to arrange for good representation So if it's good for the process under the UN ... then we do not mind. On the contrary, we were very pleased with the role played by [Angela] Merkel [at the G8 summit] in Heiligendamm (Member State respondent)

The international environment group [the Working Party on International Environment Issues] meets on a regular basis. And that's where you have regular reports before and after the G8 meetings There's always also cautioning words by the small states vis-à-vis the big ones. They do have to inform them It is perfectly clear what the EU position is in climate negotiations. Therefore, it is sufficient if the groups [the EU countries included in the G8] stick to the EU position. And they certainly do, you see? ... Notably, these are also the same big EU countries that have co-authored and supported these very EU positions. And if you thereby succeed ... to move other G8 states in a direction ... where you can use or integrate the lot for the UN negotiating framework, then that is good. I mean, you cannot negotiate everything in a circle of 180 or 193. (Member State respondent)

Against the backdrop of these statements, it can be argued that the way small Member States made meaning of big Member State activities drastically shifted in the post-Hague era. Firstly, big Member States were no longer generally suspected of representing their interests at the expense of the EU position. According to the

²⁰ It is true that, in recent years, the Commission has been allowed to attend G8 meetings, just as the EU Presidency has. However, there is, for instance, no formal EU coordination within the G8.

statements, they enjoyed a certain leap of faith in this respect. Secondly, and maybe more strikingly, small Member State respondents came to consider extra-EU moves as a *necessity*; they saw them as a legitimate means to advance the common cause.

It's hard to be us – EU identity processes

EU-US: Know your enemies?

The ascent of the 'EU performance' signifier may have ensured the development of crucial chains of equivalence in EU discourse while it weakened chains of difference. This shift towards equivalence, however, could not have been as successful if a convenient *outside* that worked as both catalyst and amplifier had not existed.

In international climate change politics, the EU was 'lucky' enough from the outset to have a promising candidate for the function of 'eternal opponent'. In 1989, at the Noordwijk Conference, the US refused to sign a declaration that aimed to reduce CO₂ emissions (Oberthür, 1993: 25). Moreover, the US rejected an international line of action altogether. This attitude still had not changed by the time of the White House Conference in April 1990. Instead, both those involved in and those watching the conference felt that they were witnessing the emergence of what was to become the main axis for climate change politics in the decades to come. In the words of one respondent:

The two poles have always been the Europeans versus the Americans. And everything else was knitted around that. (Member State respondent, emphasis added)

At the time of the White House Conference, international climate change politics were quickly switching from a domain where actors discussed abating emissions to one where identities were, very publicly, in the making:

Especially *against* ... the American administration of Bush father it [climate change politics] had become a matter of profile. (Commission respondent, emphasis added)

In its opposition to climate change, 'the US' or 'the Americans' fulfilled the role of the EU's *outside*. In doing so, they were not just a simple 'other' as, for instance, developing countries were. The US was considered a genuine threat that endangered the European cause and its goals:

[On the initial discussion whether the EU should be admitted as party to an international climate regime] The Americans have always been very destructive, unconstructive, let me put it like that, on this question. Because whenever they could sort of throw some gravel into the machinery and make life more complicated, they did (Commission respondent)

In Brazil [during the UNCED in Rio in 1992] they also tried to play us off against one another ... the usual game. That you speak separately to the French or the Germans or the English ... a negation of Community competence in this field (Commission respondent)

And *the Americans* of course made use of everything that could put *our* credibility at stake ... whether it was the [carbon] tax [see chapter 5] or other measures, whenever certain things inside the EU turned out weaker than expected or envisaged (Member State respondent, emphasis added)

The US still has a strong tendency to send messages to individuals rather than to the EU as a whole. And certainly does on occasions try to play a sort of divide and rule type of game. We've seen that in other fields as well as climate change of course. It's nothing new, that will not change. At least not as long as the current [Bush Jr.] administration is there, and my suspicion is, any future administration will also – not necessarily have problems understanding the nature of the EU, but certainly continue to exploit the potential which is there. (Member State respondent)

The aim of this section is neither to judge the 'factualness' of these statements nor to decide whether the US 'indeed' had malicious intentions. It is, however, important to note that this is how respondents interpreted the situation. Respondents 'read' US actions as attempts to negate the EU and to undermine EU unity. They perceived the actions as intrusions into their territory. EU Member States saw the US as destructive and as making life hard not only whenever possible (see notably the use of 'whenever' in the first and the third quote) but also on a quasi-structural basis ('the usual game', 'nothing that will change').

However, EU unity as a sentiment may never have been bigger, and it may never have been more self-understood than in accounts of how the EU had to overcome US acts of 'sabotage'. In being the outside, the US, at least temporarily, clouded all of the issues on which 'the EU' among itself could not agree. Differences within the EU were simply 'covered over' when it came to the one fundamental difference that was between the EU and the US.

In the light of this outside, the US, the EU invented itself as its positive negation. It became everything the US was allegedly not: acting in favour of a common good and choosing the side of 'the weakest', those who could not possibly defend themselves. In their interviews, respondents depicted the EU in terms that employ a strict good/evil separation:

Of course, we [the 'North'] were basically seen as having to be held to putting our own house in order first. And, you know, the EU said that all along *whereas the US was not saying that*. So to that extent we had good relations with the G77 (Member State respondent, emphasis added)

[On the 'victory' at COP-12 in Montreal, where agreement was reached to explore options for a post-2012 regime] what it proved was that the EU at its best ... working *with* the developing countries, and, you know, other allies, could create that situation and that momentum where the US and Saudi Arabia had no choice but to back down. (Member State respondent, respondent's own emphasis)

The most obvious linguistic expression of the antagonistic relation between the EU and the US is the matter-of-fact use of the pronoun 'we' for 'the EU' in contexts where both the EU and the US are mentioned:

[On American demands that the EU should explain how it possibly wanted to reach its targets] We always said, that's our business, none of yours (Member State respondent)

[On the current situation] It is no longer: how close shall we cuddle to the Americans (Member State respondent)

[On the current situation] We may be in need of the Americans with regard to certain points, but there are other points when America very much needs Europe. (Member State respondent)

Nevertheless, the impression needs to be avoided that the EU demarcated itself from the US deliberately and strategically to establish itself as 'a power' (whatever that may mean). Admittedly, it is perfectly conceivable that some EU actors in certain cases tried to exploit the situation. However, in this work the outside-inside relation between the EU and the US is seen first and foremost as something that discursively presented itself as a reality for those involved and, as such, that it facilitated a distinct way of meaning making and identity formation.

When insides and outsides are no longer what they used to be

In any case, 'embracing' the US as an outside was not always feasible. The administration of George Bush Sr. was an easy target and offered the EU manifold possibilities to portray the US as conservative and environmentally hostile. The Clinton administration, on the other hand, was more difficult to villainise. EU Member States found it difficult to uphold the picture of a somewhat antiquated, narrow-minded America, when its youthful, liberal president promised both a more multilateral approach to international politics and a more environmentally friendly course, the latter embodied by the US vice president, Al Gore.

With its outside gradually eroding, 'the EU' was increasingly at odds over the question of how to deal with and *what to make of* the US. Whereas the attitude of the Bush Sr. administration had created enough concord in the EU to agree on a leadership role, the world in the Clinton era was much less black and white. To judge the US was difficult, given its public commitment to 'the climate change cause', on the one hand, and its allegedly too soft stance on concrete mitigation measures, on the other. This ambivalence divided the EU:

So that was actually the biggest question within the EU, how do we deal with the US? Do we treat them hard, or do we precisely try to engage them. And sometimes this bore some friction (Member State respondent)

[On conflicts within the EU] That was ... triggered by the fact that, well ... with the unwilling Americans Of course there was a tendency saying the Americans have to be on board. So let's somewhat weaken our position So ... tensions developed. And some indeed wanted to go further, make more compromises. Others didn't. (Member State respondent)

With difficulty, the EU tried to cope with an outside that no longer existed as such. The tensions this caused within the EU reached their apogee at COP-6 in The Hague.

At this COP, members intended to solve the last outstanding issues from 'Kyoto' so that the protocol could be ratified and implemented. These issues, however, had been bottlenecks before, with the EU and the US positions, in particular, being at odds.

At that time, the 'outside' status of the US was more undecided than ever before. The 2000 US presidential race had not yet re-emerged from the phase of judicial trial that it entered after counting ballots had not produced a new president. How much of an

outside the US was going to be depended on who the next president would be, and at that time, that question could not be answered.

If the US courts decided in favour of Al Gore, the United States would be led by one of the most public protagonists of climate protection. The EU would be confronted with a 'greener' America, an outside 'more inside' than ever before. However, how would the EU deal with such a US? Did the EU not have a moral duty to help this green president and the green America that he represented against the *true outside* of climate sceptics, conservatives, and the oil and car industry? Did this not mean that the EU's way forward in The Hague was to be appreciative and accommodating?

Even if the outside was again to become a real outside, as was expected with a Bush Jr. victory, an answer to how to deal with 'the Americans' was not straightforward. After all, in that case COP-6 could be the last chance to have Kyoto signed before the coming of the dark ages. Even if they came, the crucial question remained whether and to what extent the EU negotiation strategy needed to be conciliatory rather than conflictual.

To sum up, the situation that the EU faced was completely undecided, and this was intrinsically linked to the brittleness of the inside-outside relation. Confronted with an environment of increasing discursive fragmentation, EU unity fell apart. Iconic pictures and sound bites emerged from this process. When COP-6 ended without result, John Prescott, then leading the negotiations for the UK, openly displayed his anger at his EU colleagues. The latter had rejected a final compromise draft that the UK and the US had negotiated. A tabloid-filling feud followed between Prescott and Dominique Voynet, then environment minister of France, the country that held the Presidency at that time. The public rancour only fortified the impression among observers that the EU had sunk to its lowest level.

The diverging accounts of what had happened at The Hague underline the EU's fragmentation at the time. Whereas UK representatives were convinced that they had given their all to 'save Kyoto', their EU colleagues were far more critical of the UK's manner of proceeding:

And at the ... end of the negotiations on the climate treaty, there was an impasse
And who was awkward? ... the United States. And thus England went out and negotiated a bit with the Americans in order to make sure there was an agreement.

Not on behalf of the European Union, but on its own account (Member State respondent)

John Prescott, the UK deputy prime minister ... tried, or at least we had the great suspicion, that he was isolating a deal with the Americans. (Member State respondent)

Michael Grubb and Farhana Yamin summarise the different interpretations as follows:

According to the British, the EU troika, led by the French minister Dominique Voynet, together with other key European ministers, agreed the deal negotiated by Prescott with the United States but then failed to defend it when it was put to the full group of EU ministers. According to European colleagues, the British never had any mandate to forge such a deal and the troika was lukewarm about its merits but agreed to take it to the full EU group to debate. The full group rejected the compromise as going too far, and for being incomplete and unclear. (Grubb & Yamin, 2001: 263)

Within months, however, the 'burden' of indecision that caused tensions in The Hague was taken off the EU. In January 2001, George W. Bush came into office. In April, he declared that, as far as his country was concerned, Kyoto was dead.

Within a short period, the outside again deserved its name. Even before this declaration of death, both EU politicians and EU media had questioned the new administration's democratic legitimacy. It was decried as the cabinet that was led by the 'toxic Texan', the 'President who bought power and sold the world' (Vulliamy, 2001), and sacrificed climate change for filthy lucre ('Payback for the energy industries which backed him' (Vulliamy, 2001)). John Prescott stressed his unease about the new administration's actions when he warned that the latter 'must know it cannot pollute the world while free-riding on action by everyone else' (Prescott, 2001).

Bush Junior's April statement pushed these critical tendencies to an even higher level. Perhaps more publicly than ever, outside and inside were 'spun' anew. Here 'American' lack of democracy, corruption, 'economy before environment' attitude, and ruthless unilateralism – there 'European' integrity, environmental progressiveness, and commitment to 'global', multilateral causes. If it were initially just the US president or just the US administration that was the target of European grievances, this nuance soon got lost. The offender was, in short, the US.

In the light of the renewed US 'threat', EU unity and leadership again came to be seen as a necessity in both EU negotiating circles and the media. The Observer, for instance, claimed in its leader that the US was 'not fit to run the world'. The imperative for the UK was to 'help Europe take on the job' and to 'fill the leadership void that the US is creating under its new President' (N.N., 2001b).

This attitude formed a common denominator in meaning making in the months that followed. The EU was cast in the role of the 'green knight', who spearheaded a crusade to save the common good of climate for the benefit of all. EU 'missions' went to key countries all over the globe to obtain a consensus on Kyoto. When global agreement was finally reached at COP-6bis in Berlin, in July 2001, the interpretation of officials and media was quasi-unanimous:

Particular praise is due to the European Union, *which took the lead when others faltered*. This was the EU at its best, acting with unified and determined purpose *to achieve that which its component members, acting singly, could not*' (N.N., 2001a, emphasis added)

It has been very clear where the leadership has been on this issue. (the former EU environment Commissioner Margot Wallström, cited in Houlder, 2001)

Within months, the EU's crusade had allowed the EU to 're-invent' itself as the legitimate leader of the climate change issue, *against* the US, and to spread the word on climate change more widely than ever before.

The impact of (post-)Hague events for the relations within the EU was just as remarkable:

The first thing that happened, only a couple of months later, was that Bush said, goodbye, we are not going to participate. Well, that was when ranks were joined again, so to say (Member State respondent)

For the EU some things have become easier after Bush wrote ... that he would no longer take part in the Kyoto process. Since, before that, you had different currents ... closing of ranks with the USA, we need to have them on board as the biggest polluter or ... a different line, the one that led to success in the end ... coalition with the weakest, the ones mostly affected, the developing countries. And ... bringing about a consensus there. And thus, the arrays of course were much clearer You had a common object against which you could jointly demarcate Your own differences ... did no longer play a role because there was simply ... discontent on how the USA

had behaved ... and there was a positive vision ... we, a lot that otherwise was often difficult to organise, can make global history and we are going to shape this now for a change. And that finally succeeded. And that was, that was something very positive and elated people ... out of discontent there came this very positive force to go and shape things. And that worked beautifully. (Member State respondent, respondent's own emphasis)

However, an unsteady US was not the only problem the EU had to encounter. 'Europe' struggled not only with an outside that was sometimes too much of an inside, but also with an inside that was too much of an outside. This renegade inside had a name: the UK.

The UK may have been the Member State that appeared most frequently in interviews with many respondents going into depth on what they perceived to be its *singular nature*. They depicted the UK, at least for the first years of international climate change politics, as the black sheep of the white EU herd:

In the beginning, they [the UK] were always a bit of the odd one out (Member State respondent)

They did not want to drift apart from the Americans (Commission respondent)

Sometimes they are called the fifth column of the Americans. (Member State respondent)

A number of respondents considered the UK as not really belonging to the EU, as standing apart from or even standing *outside* of the EU core in this first phase. The UK, in this respect, was often seen as closely connected with the 'real' outside, that is, with the US. As the UK was often conceived of as a foreign entity within the EU, and as being close to the outside at the same time, it was sometimes regarded as a potential defector and thus as a threat to the EU:

[Alluding to the UK] There have always been Member States of which you assumed that they sent out signals in bilateral contacts ... with the Americans or others And then of course others tried to drive a wedge inside the EU. (Member State respondent)

In the above quote as well as in other accounts, the UK was depicted as a potential US infiltrator, as the Achilles heel of EU unity in the first phase of international climate change negotiations. Again, this interpretation is in no way 'natural' or 'logical'. Other

Member States, for instance, had similar contacts with the US but were not subject to general suspicion.

Perhaps unsurprisingly, UK respondents saw things in a different light. They depicted the UK as an honest broker who tried to use its capacities and its supposed 'middle position' between the EU and the US to forge deals between the adversarial parties:

We always act as broker. Or try to act as broker between any set of parties (Member State respondent)

We have good relations and bilateral links with a lot of countries. So we can actually reach out quite well to countries like China and the US and so on. So I think we actually have quite a strong capability to broker and facilitate behind the scenes. (Member State respondent)

The idiosyncrasy with which the rest of the EU responded to the UK's 'single-handed' actions exposes the tensions that the UK's affinity with the US caused. This affinity was repeatedly displayed by UK politicians as they drew on the mantra of Anglo-Saxon friendship. Emphasising the bonds between the US and the UK, however, complemented narratives on the UK's difficult relationship with the EU and aggravated the UK-EU relationship even more. For a long time in international climate change politics, the UK was an EU country that was obviously institutionally *in*, but historically and spiritually *out*.

The UK's undecided position exacerbated the ongoing process of EU identification. 'EU' as an empty signifier seemingly failed, as it was unable to integrate the UK and to establish 'European' as a shared identity. Against this backdrop, it was easier for the rest of the EU to re-think the UK as a *kind of* outside. In this way, at least, the EU identification screen could be upheld for the other, remaining EU members.

Still, this undecidedness caused frictions and climaxed in The Hague. In the weeks that followed, the EU seemed to be split into two lopsided camps: the UK, infuriated about the reluctance of an ideologically pig-headed EU to accept the deal it had negotiated with the US, and the rest of the EU indignant over 'yet another' instance of Anglo-Saxon conspiracy.

Particularly when considering the UK's difficult position within the EU, it is striking to see the development that set in after the US announced its withdrawal from the Kyoto Protocol. Judging from the interviews, it seems that although the UK nowadays

still encounters more suspicion than other EU countries, the gap between the EU and the UK has virtually disappeared:

The English in the end also went along on those things. [They] also act more as ... one of the Member States now (Member State respondent)

The Brits came on board very well in the course of time. Well, when they had finally decided ... to be leader (Member State respondent)

I mean we try and do everything in a ... Community way (UK Member State respondent)

[About the US] It's a great sport, getting them in the corner ... there were two occasions in 2005, where we really put the Americans in the corner. And one was the meeting of the environment and development G8 ministers. Where we just cornered them into having to sign up to something. It was fantastic. And then the other one was the Montreal Climate Change Conference, where they had to back down. It was great. (UK Member State respondent)

The stark outside that the US provided during the years of the Bush Jr. administration seems to have facilitated two things. Firstly, the UK was readmitted to the EU team, and it defined itself, *with* the EU, as an environmental leader. Secondly, as clear from the last two statements, the UK, to a certain extent, became 'European' not only by playing by the EU rules, but also by sharing its outside. The UK thus joined the EU in being a leader *against* the 'laggard' that was the US. As Detlef Sprinz rephrases Michael Grubb's depiction of dynamics in the post-Hague era:

[T]he UK was strongly torn between its traditional role as a mediator in transatlantic relationships and being a core member of the European Union, but it appears that it is now "one of the team, and an effective member" of the European contingent once the USA removed itself from the negotiation table. (Sprinz, 2001: 8)

It's good to be EU?

Interviewing EU key actors in the field of international climate change politics in 2007/2008 was a rather rewarding task because all respondents basically *enjoyed* discussing what they did and what they did as 'the EU'.

To be sure, this does not mean that respondents painted a rosy picture of the EU as an 'actor'. Respondents criticised the EU as being an inward-bound 'negotiating apparatus' (Member State respondent) to being 'very good at talking the talk, and very bad at walking the walk' (Commission respondent). Despite this criticism, many respondents emphasised *the common learning process* that they thought the EU had undergone and the *improvements* that had been made over time:

We can only win, if we are united ... And I think that, in this respect, The Hague has taught us a lot (Member State respondent)

The EU is really geared towards having continuity and maximum of preparation of what they're doing And it's ... because we've been learning a lot (Commission respondent)

By the time I left ... you got the feedback from other countries that the EU had largely got its act together. And it was much better at presenting its position (Member State respondent)

Within the different expert groups, it's not always the Presidency doing all the work. We get the other experts to do it Which is not something we did in 2000. So we've learned lessons since then. We had some good presidencies, we had some less good presidencies ... and I think we've particularly learned after some of the less good ones. What it is we should do. And I think we've got a system which now works. We continue to make it better (Member State respondent)

[There sometimes was] animadversion about the Union. That we had actually spent too much time to decide among ourselves on the position. And cared too little about what happened elsewhere. And thus tried too little to win others for our position. And that also is a little bit better balanced now (Member State respondent)

I think that cooperation has grown enormously over the years. I can remember the Europe of 15 ... well, even the Europe of 8 [sic!] ... where every comma was negotiated. And what you see now, partially due to the growth of Europe but also partially due to growing up, is that the coordination between the Member States is more focused on the major lines. (Member State respondent)

The most prominent feature in the image that the respondents painted of the EU was not its weak points, but the shared experience of having *successfully* worked on deficiencies and of being on the road towards ever more improvement. This was accompanied by a wide-spread sense of moving together, of closing ranks. From a DT

viewpoint, it is safe to say that the narrative of the 'common process of learning and evolving' has become an integral part in the formation of a common identity, especially since it is associated with the notions of leadership and success.

More than ever, being united, and being united as the EU, seems the only way forward and a guarantee to make an impact:

The European Union then [in former times] acted much less as a block. If you compare that to now, with the Bali Conference, then that is completely different there (Member State respondent)

[On the post-2012 future] We very much want to negotiate as a block. And have a visibility on what is the commitment of the whole of the European Union post-2012. I do not think that in the international debate we will want to negotiate individual Member State targets. We will want a Union target which we will then have the right to share out. (Member State respondent)

The second statement is especially remarkable, given that whether there should be such a thing as an EU target had been a major point of discussion only ten to fifteen years earlier (see also chapter 5).

Two further aspects are of particular interest. The first is the sheer frequency and the taken-for-grantedness with which respondents – be they from the Commission or from the Member States – repeatedly spoke in terms of 'we', when they referred to the EU in current international climate change politics. The second is the vehemence with which the respondents asserted their intention to serve the Community, to work to the benefit of the grand scheme:

I would say that in the field of international climate politics, when it comes to work ... we certainly have a role [within the EU] that exceeds our size. Because we are very, very active ... a supporting worker bee (Member State respondent)

Jacques Delors had a wonderful phrase ... he used to say, you know, the Commission's role is to be useful. And you boil the whole down, that's what it is (Commission respondent)

We always ... had to put the main emphasis on elaborating a good position for the European Union (Member State respondent)

And we almost had a duty ... we had more people than most of the other countries, we had more people in the team. And therefore, you know, we always felt that we were doing a public service by putting all these people at the disposal of the EU.
(Member State respondent)

Very explicitly, then, the respondents declared that the priority, internationally, was to ensure the well-being of the whole instead of the pursuit of individual interests.

It remains to be said that respondents widely perceived 'the EU' as something that, as an identification screen, had become rather attractive. The EU was depicted as progressive, ambitious, and respected by others. Respondents almost unanimously shared the conviction that the EU was not only a driving force but also the leader in the field. To put it bluntly, the EU was simply better than others:

It's a much sleeker, better prepared organisation than ... any other group and also than many of the other countries in the negotiations (Commission respondent)

We are, despite all criticism, still better than others (EP respondent)

The EU claims to have the leadership role Which I think we have, namely given that most of the proposals come from the EU, that we are actually the only ones pushing on all levels and setting a high standard of ambition. Which probably nobody else would do (Member State respondent).

A Europe that has strongly reflected on and knows what it wants to do after all is the key to the global organisation of the fight against climate [change]. We see very well that the others don't care a fig (Member State respondent).

Conclusion

Compared to conventional EIS literature, discourse theory and discourse analysis allow a more *inclusive* picture of 'the EU' in the field of climate change politics. They consider accounts of competence struggles between Member States and the Commission as a starting point rather than as a final result of analysis, as an explanans rather than as an explanandum.

As has become apparent in this chapter, 'reading' the EU in terms of competence struggles between Member States and Commission is but one possibility of meaning

making and identity information in this respect. Although this pattern is rather dominant among policymakers in the context of the mandate question, it is by no means necessary or natural. Alternative discourses exist, and these expose its contingency.

Beyond the mandate question, meaning making and identity formation have largely become dominated by the 'EU performance' signifier. Around this signifier, discursive chains have developed that have facilitated far-reaching institutional changes. A new coordination and representation system has limited the Presidency to an almost managerial task and has rendered institutional affiliation quasi-irrelevant. In this respect, the difference between Commission and Member State staff is largely irrelevant. At the same time, the new key signifier has a smoothening effect on the overall EU relations in the field of international climate change politics, as it calls on the responsibility, engagement, and capabilities of all EU actors. With unity as the new catchphrase, it also has a disciplining effect.

The big 'advantage' that the EU has had in recent years, however, is that all these developments have been enabled and fortified by the development of a stable and rather stark outside. In a sense, without reference to this outside, the effective, unified EU sketched above would not be thinkable.

The EU was lucky enough to find a suitable candidate in the US for the function of outside. However, as has been pointed out, the EU suffered from a precarious balance between inside and outside throughout the nineties, and it was only with the arrival of the Bush Jr. administration that the balance stabilised. In recent years, the EU has enjoyed a more favourable constellation in this respect.

From this constellation, a narrative has developed that serves as a kind of common, small-scale imaginary. In almost classical Greek fashion, this imaginary includes antagonists, an odyssey and a catharsis. The common narrative among EU policymakers is that to overcome the hurdles posed by darker forces, the EU had to unite and that it has done so in a way that accounts for the success that it now enjoys. Rather than considering the Community or the Commission a potential threat to Member State sovereignty, Member States have come to see the EU in international climate change as something that is attractive to identify with. In the coming years, an interesting pastime for researchers will be to observe to what extent this constellation is challenged or, in contrast, is allowed to settle further.

5. THE EU LEVEL

The fact that, from the start, the EU defined climate change as a trans-border issue also had an impact on politics on the EU level. The trans-border 'nature' of climate change suggested that it best be addressed by common Community policies and measures. Hence, EU climate change politics mainly revolved around the making of EU legislation in this area. It is in this context that processes of meaning making and identity formation have become most apparent.

From the broad range of legislative acts or proposals that could be linked to the issue of climate change, several stand out as 'salient' in both literature and the interviews that have been conducted. These were the failed proposal of a combined carbon/energy tax²¹ at the beginning of the 1990s; its 'substitute', the EU-wide Emissions Trading Scheme (EU-ETS); and target setting in the context of both the Kyoto and of the post-Kyoto era.

After a brief historical overview and contextual introduction, this chapter investigates processes of meaning making and identity formation that accompanied these legislative activities. Starting with the proposal for a carbon tax, its discursive embedding is analysed, just as oppositional discourses are. These competing discourses passed *through* EU institutions and Member States, enabling the emergence of cross-loyalties, or even cross-identities. The competition between the various discourses was decided primarily by formal-institutional provisions. The EU-ETS is intriguing because it is a market-based instrument whose discursive embedding has differed from that of the carbon tax in crucial aspects. This discourse was so successful that opposing voices were ruled out, just as sovereignty considerations were. States have been increasingly willing to relinquish competences in order to make the EU-ETS work. A similar development can be seen in the context of target setting. As emerges from the analysis, whereas target setting in the Kyoto context had been a states-only matter, in which state sovereignty was emphasised, target setting in recent years has become both a Community and a Commission issue. This development was stimulated and encouraged by Member States. Analytical findings are summarised in a short conclusion.

²¹ For brevity, the shorter, but admittedly less concise term 'carbon tax' shall be employed in the following.

Historical overview

In putting the problem of climate change on the EU's political agenda, the EP was one step ahead of the Commission, which is usually seen as the European agenda setter par excellence. Through a resolution in 1986, the EP called the Commission to take political action beyond the existing measures on air pollution (Europäisches Parlament, 1986).

In the communication 'The greenhouse effect and the Community' (COM(1988) 656), the Commission presented some initial suggestions on how the problem could possibly be addressed within the EU. Shortly before the UNCED, plans became more concise. In its document 'A Community strategy to limit carbon dioxide emissions and to improve energy efficiency' (COM(1992) 246), the Commission outlined a scheme of EU climate change policy that rested on four pillars. These included a programme stimulating energy efficiency (Specific Action for Vigorous Energy Efficiency, SAVE), a programme advancing specific actions for greater penetration of renewable energy sources (ALTENER), and the implementation of a mechanism for monitoring CO₂ emissions and other greenhouse gases in the EU. The showpiece and fourth pillar was the proposal for an EU-wide carbon tax. Its introduction would have been a first in the EU, where tax matters were still exclusively dealt with on the Member State level (for a detailed discussion, see Liberatore, 1995).

In the years that followed, this showpiece evoked 'some of the fiercest lobbying ever against an EU proposal' (Grant, Matthews, & Newell, 2000: 123). This was exacerbated by the legal provision that all EU legislation on tax matters was, and still is subject to a consultation procedure²². For the tax proposal to succeed, it needed the Council's unanimous vote. After a long process of withering away and unsuccessful attempts at reanimation by the Commission, the tax proposal died a rather silent death at the beginning of the new millennium.²³

²² As Neil Nugent describes it, the consultation procedure 'is a single reading procedure in which the Council is the sole final decision maker. However, it cannot take a final decision until it has received the opinion of the EP' (Nugent, 2003: 400).

²³ It must be mentioned, however, that recent developments seem to indicate that the carbon tax is still alive or at least undead. In October 2009, the Commission 'floated the idea of imposing a tax on sectors outside the EU's emissions trading scheme' (Euractiv, 2009c). The reception of this renewed concept for an EU-wide carbon tax remains to be seen.

The failure of the tax proposal could not be compensated by the other components of the original EU strategy. Underfunded and poorly implemented, SAVE and ALTENER, for instance, achieved less than had been hoped for (Collier, 1997: 53; European Commission, 2000a: 4; Loske, 1997: 276; Wagner, 1997: 330). In 1997, Jay Wagner stated that '[s]ince 1992, EU climate change policy has been substantially watered down' (Wagner, 1997: 322).

In the meantime, in the run-up to Kyoto, the EU agreed to enter the international negotiations with a common emissions reduction target but to distribute this target to the individual Member States in unequal shares afterwards. In defending this contested decision, Member States referred to different economic conditions and energy infrastructures in their countries. A scheme for distributing the common target was drafted both for the initial negotiating position of fifteen percent and for the target of eight percent that was finally agreed to in Kyoto.

Still, while reduction agreements had been reached in Kyoto, it was not clear how EU countries were to meet these targets in practice. At the end of the millennium, the EU was confronted with the fact that its emissions – which had been decreasing until the mid-1990s – were rising once again (Grubb & Hourcade, 2000: 241). For this reason, the European Climate Change Programme (ECCP) was established in June 2000. The ECCP brought together 'stakeholders' such as representatives from the Commission, Member States, industry, and environmental groups. As defined by DG Environment, the goal of ECCP was 'to identify and develop all the necessary elements of an EU strategy to implement the Kyoto Protocol' (see also European Commission, 2000a: 6; European Commission, 2008a).²⁴

One of the first policies advanced by the ECCP was the introduction of the EU-ETS. This action was remarkable because, for a long time, the EU had been reluctant to accept this mechanism, especially in international negotiations (Oberthür & Tänzler, 2002: 321f). It viewed the emissions trading as part of a soft 'American' approach.

Whereas the ETS as stipulated in the Kyoto Protocol envisages emissions trading among countries, the EU-ETS focuses on emission trading between companies. The proposal for the introduction of such a scheme in the EU encountered no problems at

²⁴ In 2005, ECCP II started. Its task is to review the results of its predecessor; in addition, it will focus on future policies and possibilities for carbon capture and storage, the inclusion of the transport sector into the ETS, and the issue of adaptation (Euractiv, 2008b).

the legislative stage, and it swiftly passed through the process of co-decision. The preparatory phase was also brief, and trade was launched in 2005.

Currently, the EU-ETS is in its second trading period. It includes large energy-intensive plants that, taken together, account for forty percent of the EU's total GHG emissions. Incentives for trading, let alone reducing emissions, have so far been low. In both trading periods, the market has been overshadowed by the problem of over-allocation, i.e., Member States assigning 'their' plants an overflow of emissions allowances.

To address this problem and to provide an overall EU strategy for the post-Kyoto era, the Commission presented its energy and climate package in January 2007. This package follows a maxim of '20/20/20 by 2020'. This means that the EU commits to the three-fold target of

- reducing its overall GHG emissions to at least twenty percent below 1990 levels, or thirty if other major players follow suit and commit to comparable reductions;
- reducing its energy consumption by at least twenty percent through improved energy efficiency;
- increasing the share of renewables in energy use to an EU-wide average of twenty percent.

According to the Commission, these targets shall be met by the year 2020.

To this end, the package includes policy proposals to overhaul the EU-ETS and to explore the possibilities of carbon capture and storage (CCS)²⁵. In addition, it envisages a distribution of both the overall renewable target and the overall target for EU emissions that are not covered by EU-ETS²⁶. These have been translated into concise national targets.

²⁵ In the words of DG environment, CCS is 'a technique for trapping carbon dioxide as it is emitted from large point sources, compressing it, and transporting it to a suitable storage site where it is injected into the ground' (Environment Directorate-General of the European Commission, 2009).

²⁶ As summarised by Euractiv.com, '[s]ectors not covered by the ETS, such as transport, buildings, agriculture and waste, are to achieve an average GHG reduction of 10% by 2020. To achieve this, the Commission has set national targets according to countries' GDP. Richer countries are asked to make bigger cuts ... while poorer states ... will be entitled to increase their emissions in these sectors' (Euractiv, 2009a).

At the end of 2008, both the Council and the Parliament endorsed the energy and climate package. Whether the package will be sufficient for the EU to fulfil its commitments internally or to assume a leadership role in future international emissions talks remains to be seen.

Carbon taxing

The tax that had it all

The proposal for a carbon tax was the project that dominated EU climate change policy-making in its infant years. Over the years, the project has mostly been linked to the idea of failure; it was seen as yet another EU policy disaster. This obscures the fact that, at its outset, the idea of introducing such a 'green tax' was alluring to many audiences. The proposal of the 'green tax' was not only endorsed in OECD circles (Zito, 2002: 245), but also had fervent supporters in the Commission, the European Parliament, and among Member States such as Denmark, The Netherlands and Belgium. In its heyday, only the unanimity clause for tax issues circumvented the introduction of a carbon tax, with a large majority of Member States giving their approval. For its supporters, a carbon tax offered countless advantages:

President Delors supported the idea very much also because of the double dividend. You know, increase taxation on pollution in order to reduce social security contributions on labour. So this idea of double dividend was very much around (Commission respondent)

Europe has suffered from high costs, high taxes either directly on labour in some countries, or indirectly via high income taxes on earnings. And therefore we thought that ... the whole core of that [idea of] sustainable development ... would be to switch taxation from taxing labour to taxing resource use and emissions (Commission respondent)

Already in 1988 ... I started following the discussion [on a carbon tax]. The Heidelberg Institute in Germany had written some things And I followed the international discussion that emerged about taxes. About a new instrument to, well, not to make environmental policy solely through command-and-control, but also through taxes Energy ... can indeed be tackled more easily with a tax. (EP respondent)

The carbon tax was perceived as the epitome of a new breed of smart policy instruments outdoing inflexible, old-fashioned command-and-control (see Jachtenfuchs & Huber, 1993: 47 for a similar argument). According to its supporters, the tax was convincing because it embraced and combined economically informed insights, such as the polluter pays principle and the internalisation of costs. The goal was to tax 'un-ecological' behaviour and to use the respective revenues to reduce labour costs. Therefore, the tax would create a win-win situation, with both economic and ecological advantages. As described in the discussions, it would pay a *double dividend*. Moreover, the tax was revenue-neutral; seen in its totality, it would hurt no one. In the words of one respondent:

This would be good for Europe in a broader context. Not just in an environment context, but in the whole economic development. And for common people ... they would not be taxed so heavily on their income, there would be more of an incentive to work, and less of an incentive to pollute. (Commission respondent)

In the light of all its advantages, supporters had difficulty in understanding how anybody could not want the tax.

By seeing economy and ecology as interconnected, as mutually enhancing one another, the carbon tax was firmly entrenched in a new kind of discourse that opposed the 'traditional' way of seeing economy and ecology as *different* and juxtaposed. As such, it shared the discursive ground of concepts such as sustainable development and ecological modernisation.

A multitude of oppositions

Needless to say, the carbon tax idea was not positively received by everyone. After the tax failed, scholars quickly declared that sovereignty considerations had played a pivotal role in obstructing its introduction. They depicted 'the Member States' as the driving force behind the carbon tax's failure.

To give but two examples, it has been argued with hindsight that

the carbon/energy tax ... suffered as fiscal measures have been notoriously difficult to agree at the EU level, with the Member States keen to guard their sovereignty in such matters (Collier, 1997: 43)

and that

[t]he idea of a carbon energy tax has collided with the desire of Member States to retain control of fiscal policy. (Haigh, 1996: 184)

Upon closer examination, however, it is difficult to 'locate' opposition against the tax in this manner, as the pro-tax discourse was attacked from several *different* angles, whose only equivalence lay in rejecting the concept.

To start with, the carbon tax was embedded in a discourse that linked economic to ecological advantages. This discourse, however, competed with more traditional discourses that regarded economy and ecology as rivals in a zero-sum game. The carbon tax, hence, was not unanimously seen as benefiting both. On the contrary, parts of all EU institutions and Member States primarily considered the carbon tax as a *threat* to economic competition.

Moreover, the advocates of the carbon tax had presented it as an economic instrument, as opposed to a classical state-dominated approach. According to some opponents, however, a carbon tax was still a *tax*, and therefore, from a neo-classical point of view, a crude example of statism. As one respondent described the response in the UK government:

They went through their normal performance ... they were going, it's a tax, it's a tax.
(EP respondent)

A tax thus seemed to contradict what Tim O'Riordan and Elizabeth Rowbotham describe as the policy preferences in the UK government at the time:

belief in the market, minimal state intervention except where socially or structurally justified, privatization of the economy, deregulation and freedom of consumer choice based on information, guidance and limited regulatory interference. (O'Riordan & Rowbotham, 1996: 230f)

As can be concluded from the last paragraphs, several different discourses motivated the opposition against a carbon tax. For advocates of the tax, however, the true threatening outside indeed consisted of those who rejected the tax due to sovereignty considerations. As much as it seemed feasible to integrate other opponents and opposing discourses (for instance, those discourses that also relied on economic signifiers), this seemed out of the question in this case:

the UK ... said, well, maybe we will introduce a tax, but on no account do we want Brussels to impose an obligation to introduce such a tax on us They have *ideological* blockages with regard to certain subjects. And for them ... fiscal subsidiarity, well, that is ... they cling to it convulsively (Member State respondent, emphasis added)

[On those opposing the carbon tax] I think it was a bit of an unholy alliance between, on the one hand, particularly Spain. Which was afraid that because they were lagging behind on economic development, that such a tax would hit them in their efforts to catch up with the others. And then there was the UK opposition, which was rather *ideological*, that they didn't want any taxation issue to be dealt with at the EU level. Because that would create a precedent for other taxation issues. Which they strictly wanted to maintain as national competence. (Commission respondent, emphasis added)

Sovereignty considerations were seen as part of an *ideological, irrational* discourse that could not be integrated through 'rational' reasoning or consensus. Expressions of this discourse were entirely rejected by tax supporters, who, however, showed considerably more understanding when it came to more 'economic' anti-tax discourses. Cohesion states, for instance, quite persistently tried to circumvent or at least delay the introduction of the tax. They pointed to their right of retrieving economic development. Their reservations were judged as natural and legitimate:

Portugal and Spain *of course* were a bit reserved [on the matter of a carbon tax] (Commission respondent, emphasis added).

Rejecting the tax because of sovereignty considerations, on the contrary, meant placing oneself *outside* of reason, of rationality. In the interviews, fears of sovereignty loss were linked to ideology and dismissed as an UK peculiarity that no other Member State shared. As such, the picture of a core EU was upheld, an EU that shared common ground but stood against the UK, the notorious, potentially disruptive outside element. Othering the UK in this manner was not a sport exclusive to 'Brussels' or to the Commission, in particular; it was something that even 'fellow' Member States engaged in, as they blamed the UK for acting in an idiosyncratic and anti-communitarian manner.

'Reading' the story of the carbon tax as a further example of competency skirmishes between EU institutions and EU Member States omits crucial aspects of meaning making in this context. It obscures the fact that different discourses were underlying

the opposition to the tax and that meaning making and identity formation in this situation were not as straightforward as most scholarly accounts suggest. Sovereignty considerations, for instance, did not unite Member States, but mainly distanced the UK from the rest. Considering that other states openly favoured this tax, it may also be argued that, for a number of Member States, having a Community-wide tax simply did not equal forsaking sovereignty in the first place. A common, intrinsic Member State interest in upholding sovereignty thus did not exist in this context.

Green loyalties

Other considerations also suggest that we cannot speak of a monolithic Member State interest when referring to the carbon tax issue. Carbon tax rejection was mostly embedded in discourses in which signifiers such as sovereignty or statehood did not play a significant role. Similarly, none of these signifiers dominated processes of identity formation. Schisms did not heed the lines of institutional affiliation. Instead, they were passing *through* individual Member States, *through* the Commission, and *through* the EP:

Directorate General II [Economic and Financial Affairs] was interested [in promoting the carbon tax] at a certain point. I do remember that. The internal market people were not interested at all (Commission respondent)

We had big, big fights in the political groups ... some of the industry and the coal-trade unions tried, in the socialist group, to weaken this ... some Dutch colleagues who will remain nameless, who were close to the oil and chemical industry started to cause trouble ... in the EPP. (EP respondent)

From both statements, a notion of the differences emerges that existed *within* what is often seen as 'the' Commission and 'the' EP. Judging from these statements, the issue of sovereignty was irrelevant in this context. The main antagonism involved a pro-tax discourse that connected economy and ecology and an anti-tax discourse that regarded these two concepts as opposites. This antagonism fostered identity formation especially on the part of tax supporters, who increasingly came to think of themselves as progressive forces *within* their institutions. As progressives, they considered it their task to overcome stubborn and old-fashioned traditionalism and its disbelief in a fruitful and feasible economy/ecology symbiosis:

We saw ourselves as pioneers, also within the Commission With all tricks possible did we try to further environment policy There was a complicity between the people involved. We had the feeling that we are the first generation who really advances this in the Community And we were also seen by the usual Commission as a clique of progressives (Commission respondent)

The Environment Committee in those days ... had a huge esprit de corps. Because we were actually inventing environment policy on the back of single market policy with almost no opposition. (EP respondent)

In both accounts, the sense of being progressive and part of an environmental avant-garde is prominent. It may not then come as a surprise that perceivably like-minded Commission and EP representatives (mostly from DG Environment and the Environment Committee) found each other in order to join forces:

There were suppers in Brussels. Four, five times a year? ... different people would come each time. But there were always some Commission officials, some NGOs and some members of the Environment Committee. And they were very exciting. Because people would say: hey, I've thought of another thing we can do ... they were immensely creative exercises. (EP respondent)

Thus, as antagonisms were 'criss-crossing' what are usually considered monolithic EU institutions and actors, they facilitated the development of what could be termed cross-loyalties or even cross-identities.

It could be claimed that the 'conspiracy' between the two EU institutions in the context of carbon taxation partially confirms conventional EIS assumptions; after all, the Commission and the EP joined forces. This, however, misses two points. Firstly, we cannot speak here of the Parliament and the Commission in their entirety, but only of their 'environmental avant-garde'. Secondly, their declared line of attack was not to 'seize Member State competences' but to make progressive policy against the conservative forces in the EU. As such, they often had the same institutional affiliation as their opponents.

Within their institutions, the respondents perceived themselves as Davids, a minority fighting against the Goliaths of narrow-minded economism:

[On the main concern within the Commission] Internal market, internal market, internal market. That was the priority. The environment ought not to disturb the circles of those who really work in the core area (Commission respondent)

The non-environmentalists in the [parliamentary] groups were very suspicious of what these dangerous bearded environmentalists would do. So we had real fights in the groups. (EP respondent)

The sense of being avant-garde was hence clearly and strongly linked to the notion of being an *underdog* within one's own institution. 'Environmentalists' were alienated from their institutions, which no longer provided the main screen of identification. In union with environmentalists from other institutions, however, these underdogs found a new identificational home.

From respondents' accounts, we can see that these kinds of cross-loyalties and cross-identities also existed between 'progressive' parts of Member States and their counterparts in the Commission. These loyalties were not specifically bound to the carbon tax issue, but to environmental politics in general:

The Commission has actually always been a [green] driver, too. Throughout all this time ... it has been a partner ... a real partner for us (Member State respondent)

I think that the differences between individual resorts [within a Member State] are bigger than the one between the Commission and us [the environment ministry of a Member State] ... if it is about contents. (Member State respondent)

At times, being green indeed seemed more crucial than being a (Member) state in shaping decisions in the context of the carbon tax. In December 1994, the Essen Summit dealt a serious blow to the Community-wide introduction of the tax. As EU ministers realised that the chances of the proposal overcoming the unanimity hurdle in the near future were minimal, they concluded that those Member States that wished to go ahead with the carbon tax on a national basis should be able to do so, and the Commission would provide a basis of common parameters. In response, a group of self-perceived green and progressive Member States declared that they would move forward on their own. By forming a 'top group' in the EU, they aimed to

find out ... in the fiscal field ... how you could move a few steps. (Member State respondent)

Moreover, several Member States supported by the Commission even tried to alter the formal-institutional frame itself, and urged for the Amsterdam Treaty, which then was still under preparation, to 'exclude the eco-tax from the principle of unanimity'. (EP respondent)

To many Member States, or to many actors within the Member States, being green was hence more important than clinging to whatever concept of sovereignty and statehood that they had. In the second half of the nineties, this did not facilitate a constellation in which Member States were opposing the Commission but one in which 'environmental progressives' were opposing the rest.

When frozen discourses melt

Despite its common or individual efforts, the cross-institutional front of tax supporters could not prevent the carbon tax from failing. After the Essen Summit, the Commission drastically changed the proposal and made the introduction of the tax voluntary for singular Member States. Pro-tax MEPs tried every manoeuvre possible to keep the legislative proposal on the agenda:

Normally, parliamentary reports lapse at the end of a parliamentary session. And uniquely we managed to prolong ... [the carbon tax] report into the next Parliament with the same rapporteur. (EP respondent)

Yet, the 'top-group' of environment-minded, tax-eager Member States slowly fell apart. Additionally, with the signing of the Kyoto Protocol in 1997, the idea of introducing emissions trading in the EU became more accepted, and DG Environment re-directed its energies accordingly. In December 2001, the Commission officially withdrew the last proposal for a carbon tax.

Although the sovereignty signifier was only one among several key signifiers that 'headed' discourses opposing the introduction of a carbon tax, it played a crucial role in *deciding* the issue. Its advantage was that it was 'frozen', i.e. that it was part of a sedimented discourse embodied in the legal unanimity requirement for tax matters. Which discourse finally prevailed was then not a matter of the pervasiveness and 'success' that the discourses had attained among the actors. The sovereignty discourse derived its impact mainly from its legal entrenchment. This entrenchment meant that the discourse was difficult to 'tackle' by other discourses that might even have been more popular at the time:

And while the eco-tax ... made a lot of sense, and was very well prepared, it dropped back on the unanimity for tax matters. The decisive moment in that discussion, and in

decision-making, had nothing to do with the Member States internally supporting the concept. But just with the mechanics of policy-making (Commission respondent)

A CO₂ tax is probably the most intelligent manner to tackle the issue ... But you need unanimity ... in the Council But you cannot bring about this unanimity. Today even less than in former times. So this instrument ... is discarded. (EP respondent)²⁷

Overall, it can be argued that the dividing line throughout the discussions on the carbon tax *only partially* reflected sovereignty considerations. Consequently, the issue *only partially* juxtaposed the EU institutions and the Member States. Instead, the main competing discourses revolved around the relation between ecology and economy, and identity was strongly formed along this line. In opposition to a 'conservative' outside, 'environmentally progressive' Member States or parts of them formed an inside with like-minded parts of the Commission (especially DG Environment) and parts of the EP. It is the irony of the carbon tax story that it was not decided in these terms but through the intervention of a frozen, and in this case 'defrosted', discourse.

Emission trading

Love at umpteenth sight

Even though the idea of a carbon tax lingered on the EU's political agenda until the late nineties, legislative progress in the area of climate politics and policies came to a halt. This only changed when the Commission presented the proposal of what was to become the EU-ETS.

The idea of an ETS first appeared on the international level. There, the USA had advocated it as an instrument for the Kyoto Protocol, and it, in fact, became one of Kyoto's three flexible mechanisms. After Kyoto was signed in 1997, its ETS became a subject of imitation. In 2000, the Commission wanted to initiate a discussion on the

²⁷ The case of the carbon tax, however, also shows the logical cracks inherent in both the sovereignty discourse and its embodiment in the unanimity principle. It is, for instance, rather inconsistent to argue that Member State sovereignty is defended by this principle when the principle itself prevents a proposal from being adopted despite the support of a large number of Member States.

introduction of a similar mechanism within the EU and presented a green paper²⁸ 'on greenhouse gas emissions trading within the European Union' (European Commission, 2000b). However, at that time, three of its Member States: Denmark, The Netherlands, and the UK, had already made attempts to install their own nation-wide system (see also Veenman & Liefferink, 2005).

This situation would have been unthinkable only a couple of years earlier. When the US delegation first put emissions trading on the COP negotiating tables, EU reactions were far from enthusiastic. In the words of an MEP,

[w]e were told something strange about something called emissions trading ... we were told that emissions trading is a dangerous American right-wing market mechanism. And good Europeans couldn't possibly be in favour of it. (EP respondent)

Hence, as soon as it emerged on the international level, the idea of emissions trading was subjected to the dominant discursive logics. For Europeans, it was a non-European, an American instrument. As such, it was infused with and emblematic for all that was different and considered to be problematic about 'the US'. ETS was regarded as too soft from a regulative point of view, while at the same time being too friendly towards business (see also A. C. Christiansen & Wettestad, 2003: 4).

Gradually, however, this constellation shifted, and the 'American-ness' of the ETS moved to the background. This was facilitated by the complete US withdrawal from the international climate change arena. What moved to the fore was the scheme's 'market' aspect instead. The scheme fitted increasingly well with altered conceptions of what made 'good' policy, which were propagated by 'New Public Management' and similar schools of thought. In the course of the nineties, regulation-based approaches generally became decried as 'command-and-control' and came to be seen as 'rigid' rather than solid (see for instance Sbragia, 2000: 294). They were regarded as deterring business (which had to be on board if a policy was to succeed), and as allowing state interventions where a market would quasi-automatically have led to a maximum of cost-effectiveness.

²⁸ The EU glossary describes green papers as 'documents published by the European Commission to stimulate discussion on given topics at European level. They invite the relevant parties (bodies or individuals) to participate in a consultation process and debate on the basis of the proposals they put forward. Green Papers may give rise to legislative developments that are then outlined in White Papers' (European Communities, n.d.).

The Commission set the first steps towards an *EU-ETS* with its green paper. Intended as an opening for a discussion on such a scheme, the document embedded *EU-ETS* into a discursive web of largely 'economic' signifiers. The basic claim was that the *EU-ETS* would enable the EU to meet the Kyoto targets in the most cost-effective way; in addition, it would provide 'incentives to invest in environmentally sound technologies' (European Commission, 2000b: 4).²⁹

The necessity to have a Community-wide approach was similarly advocated. Such an approach was needed 'to ensure competition is not distorted within the internal market'. In addition, '[t]he wider the scope of the system, the greater will be the variation in the compliance of individual companies, and the greater the potential for lowering costs overall' (European Commission, 2000b: 10).

The *EU-ETS* shares several traits with its unfortunate predecessor, the carbon tax. Both were presented as new approaches and as more auspicious than their 'outdated' command-and-control counterparts. The idea of a double dividend combining both ecologic and economic benefit is also inherent in both. Moreover, both operate with concepts that were inspired by or taken from economics.

In other contexts, however, the *EU-ETS* and the carbon tax differ greatly. Firstly, although the idea of a carbon tax explicitly drew on economic theory, it was often associated with the notion of blunt state intervention. As opponents of the tax argued, it would have been 'the state' or one of its authorities that would have collected the tax. Furthermore, decisions on how to (re)distribute revenues would, again, have been the state's prerogative. The *EU-ETS*, in contrast, was and still is associated with the 'smart' and 'smooth' logic of the market mechanism. As the market idea gained the favour of more and more policymakers, the *EU-ETS* had the definite asset of looking like a state-of-the-art policy instrument that promised self-regulation *and* a maximum of cost-effectiveness. This made it alluring to a variety of policymakers, e.g. in the Commission:

²⁹ As Atle Christer Christiansen and Jørgen Wettestad point out, '[t]he argument most often raised in favour of emission trading ... is that it promises to reduce emissions at a lower cost compared to what can be achieved using other policy instruments. According to a body of economic literature and practical experiences from SO₂ allowance trading under the US Clean Air Act Amendments of 1990, the benefits of ET owes largely to adding flexibility in terms of when and where emission reductions are to take place' (A. C. Christiansen & Wettestad, 2003: p.5).

I believe that you don't ... achieve environmental goals easily unless you involve the market place. The market place is far more powerful than, you know, three or four companies or five ministers or so. (Commission respondent)

The EU-ETS and the carbon tax also differ in *how* they depict the symbiosis of ecology and economy. In the case of the EU-ETS, speaking of a symbiosis at all is exacerbated by the fact that, at a closer look, ecology is simply *transformed into* economy. It becomes yet another area of trade and is then no longer a real priority of policy but, rather, a by-product.

Consequently, the impetus behind the EU-ETS was no longer primarily linked to the notion of environmental avant-garde or to the promotion of new policy instruments to the benefit of higher ecological goals (as had been the carbon tax). The discourse in which the EU-ETS was embedded was dominated by the signifier of cost-effectiveness, nothing more and nothing less.

Lack of opposition

Given the widespread support that the idea of the EU-ETS enjoyed, it seems that, other than in the case of the carbon tax, no major internal battles were fought in the EU. This, however, is only partially true, although it must be said that disputes never attained the level of fierceness that the carbon tax discussions did.

One of the advantages of the EU-ETS was that it discursively integrated part of the carbon tax opposition. Carbon tax opponents who basically objected to the idea of a tax as a blunt state instrument could easily 'fall for' the ETS, as it seemed to be fully in line with Chicago School books. The ETS was grist for the mill, especially in countries where the market idea enjoyed a wide popularity in policy-making:

I mean the difference between an emissions trading scheme and a specific regulation is generally that, within an emissions trading scheme, you define the outcome you want and you leave up it to them [business] how they get there in the most economic way. Whereas if you regulate, you say, you must do this and you have no choice about it. So from a strictly economic point of view, the UK has always preferred sectional targets. And looking for the most economically rational way of getting there. (Member State respondent)

However, not everybody was quick to embrace the ETS and the underlying discourse. In some countries, this discourse had not yet become hegemonial but competed with discourses that linked meeting environmental goals to 'hard' state action:

Germany was the worst. Germany had a tradition of technical ... standards and regulation. So, the last hurdle was really Germany. The French were not so much in favour of a market-based instrument, but they saw the tax was not working. So the rest of Europe saw the tax was not working. But Germany was quite, was quite difficult. I mean, there was a basic distrust that a market instrument would work. And we knew it from the beginning And it was very, very difficult to get the industry moving and to get the chancellor moving. And the vote of the Parliament between German MEPs was completely split. Half was in favour, half was against. In all parties. (Commission respondent)

Hence, as the discursive hegemony in the EU changed, so did the 'cast' of the inside and the outside. Germany and the UK switched roles in this regard. It was no longer the UK, but Germany that was the odd one out within the EU. It became the country that was thwarting the common climate change policy from progressing. To see the market approach as the most promising way to advance EU climate change policy had become truly hegemonic: doubting it was associated with backwardness and irrationality.

When sovereignty does not matter

Sovereignty considerations are striking by their absence in interview statements and literature on the EU-ETS. Even in its first 'practice' phase (2005-2007), the EU-ETS scheme covered a considerable number of large industrial installations. It could therefore have been considered an attempt by 'Brussels' to intervene in national energy policy. As energy policy is still considered a Member State prerogative, the EU-ETS could even have been regarded as a ruse to secure more control or competence over what used to be Member States' business. Until now, however, no such allegations have been levelled against the Parliament or the Commission.

To be sure, several Member States and the Commission have had disagreements. These, however, concerned less principled questions, such as the definite design of the ETS. The UK, for instance, which already had a national system in place, was

reluctant to join the EU scheme. Respondents, however, hardly depicted this reluctance in terms of sovereignty or competence struggles:

Well, the UK had a system ... we learned a lot from the UK system, because it was so complicated And so our concept is lighter. It's opener In the beginning, there was a problem with the UK. They thought, we have our own system and, you know, you have now your system. But after a year they switched around. And industry in particular saw that our solution was much more workable. And for the subject we are talking about, in the beginning, the UK strongly believed in a UK market. But... when you have a market, you have to have a good size of the market. And they also saw, the UK is too small And now we see that the success of the ETS was that it was European-wide (Commission respondent)

The UK publicly was very sceptical about the EU-ETS, because they had their own EU-ETS which they elaborated together with their industries through a big stakeholder consultation exercise. So ... publicly they were very reluctant to set that aside. And replace it with what we were doing at the EU level. But unofficially ... a lot of the UK people working on the UK-ETS were very dissatisfied with what they considered to be a not so very good system (Commission respondent)

We were using that [the UK-ETS] as a, you know, an experimental model. And trying to get the EU to learn from ... some of our experiences. Because we worked it out with industry. And the first attempts of the European trading scheme were much too officially led, government led. Without full involvement of the industry And also too prescriptive, in my view ... it's not the way we did it. We almost let industry design most of the scheme. And we kept back the regulatory part (UK Member State respondent)

And the UK in particular didn't want a compulsory scheme because the way we had designed the UK emissions trading scheme was as a voluntary scheme. And we had a political point of view that that was the better way forward. (UK Member State respondent)

The decisive schism here was not between sovereignty and communitisation; differences stayed within the overall discursive frame of the ETS. The UK respondents indicated that they mostly struggled with what was seen as still *too much regulation, too much state*. The Commission respondents, on the other hand, did not accuse the UK of anti-communitarian behaviour or anything similar. Their basic reproaches were that the UK system did not *work efficiently*, as it lacked the simplicity needed and as it

had a problem of *scale*. The latter argument seems to have found supporters 'even' among UK respondents:

I think, yes, there are many policies that can be put in place by national governments, but at the European level it's quite important that we see policies like the EU emissions trading scheme, that applies across the whole of Europe, driven forward. Because this is very much a Europe-wide issue. (UK Member State respondent)

Member State self-curtailment

It could be asserted that sovereignty was not an issue in this context because *de facto* Member States were still retaining control. Ultimately, Member States themselves decided, and still decide, upon the allocation of emissions rights in their territories in their National Allocation Plans (NAPs). In the latter, Member States themselves determine the total quantity of allowances to be issued – the cap – and how this quantity is allocated to the concerned installations (European Commission, 2008b).

This argumentation, however, neglects the gist of developments that the EU-ETS has undergone over the years.

Already in the first Commission proposal, the right to decide on national allocations was assigned to Member States. In doing so, the Commission was responding to the demands of Member States such as the UK and Germany. Not all Member States agreed, however. Some of them opposed individual decisions on allocations from the beginning and pleaded to agree on a central cap:

The French said, this is the market, this is Europe, let's have it Europe-wide, within the internal market, the same system (Commission respondent)

We would have liked the first period, 2005-2007, to have a much more ... harmonised approach than we got We would have liked much stronger harmonisation of the system, we pushed for it. We pushed for annexes in the directive, which would at least harmonise the way that allocation rules would be agreed ... and we were unhappy that that was not given (Member State respondent)

It's what we wanted already back then, in the first draft of the directive, as much harmonisation as possible. But that didn't work. (Member State respondent)

To accommodate such concerns, the first Commission draft included common criteria that Member States needed to consider in drafting the NAPs. Nevertheless, worries were expressed that these criteria were too few and too soft to prevent Member States from over-allocating, that is, from granting 'their' industries too many emission rights. The major concern was that over-allocation would distort the market and block its mechanisms. This would result in ineffectiveness, or, to put it bluntly, in market failure.

Consequently, even before trading was officially inaugurated, the establishment of a 'supervisory body' was promoted. As Member States themselves were deemed to be partial and only interested in advancing their interests, somebody else needed to be found for the task:

We did say, it is the European Commission, the European Commission, which must approve of National Allocation Plans. And not the Member States themselves, simply because we were afraid that the Member States would grant their own industry too much It is very important that the Commission has the last word ... we said, ok, then we can live with it, because that way a realistic system will develop. (EP respondent)

The final directive indeed established the Commission as the controlling body in the EU-ETS. During the first phase, however, it seemed uncertain whether common criteria and a 'watchdog' Commission would be enough to ensure that the scheme worked:

Actually, the ... first phase of emissions trading ... was not about reduction at all. Because the Member States all handed in allocation plans in which they put down the emissions of the year before, or the average of the three years before, I think ... already, you saw that the Member States tried to keep some space for economic growth. So they wanted some leeway for new companies coming to the country Whereas the intention was that you ... have a limit. And when you had new companies in the sector, that you then had to re-allocate. You see? It is a question of re-allocation. But that did not happen. (Member State respondent)

Shortly before the NAP submission deadline for phase two in May 2006, there were reports that, during the first phase, several EU countries had emitted far less than they had expected in their NAPs. As this indicated the prospect of a large surplus of tradable emissions permits, their prices plummeted. The verdicts were virtually unanimous:

UK environment minister Ian Pearson said “the results across the EU do raise questions about the stringency of the caps in some Member States”. “I will be encouraging the Commission to use this information to improve the enforcement of tough caps for Phase II so that the scheme provides the appropriate incentives for investment in clean technology”.

Most **market analysts** cited by Bloomberg news agency agree that over-allocation is the main reason why most EU countries fell short of planned quotas. “It’s clear that most countries were too generous when handing out allowances,” said David Foster, head of emissions and weather derivatives at Calyon, part of Credit Agricole SA. “There’s no doubt [EU countries] had an incentive to exaggerate emissions,” said Per Lekander, an analyst with UBS AG in London.

For **environmental groups**, the data brings confirmation that EU Member States have “abused the Emissions Trading System” by granting their industries “far too generous carbon emissions allowances in the period 2005-07”. (cited in Euractiv, 2006c, original emphasis)

‘The’ Member States were thus associated with and blamed for the quasi-crash of the market. Their supposed state interests were considered as providing a structural incentive for market-harming behaviour even in the future, if not restrained. In brief, state interest was the foremost culprit for market failure. Sovereignty, in turn, came to be seen as a probable threat to the overall aim of cost-effective policy-making.

When confronted with the NAPs for the second phase, the Commission decided to return the majority of them for revision. It argued that, in their original versions, these NAPs would again lead to over-allocation. However, ‘in order to have the ETS operating *effectively* we need scarcity in the market’ (Commissioner Stavros Dimas, cited in Euractiv, 2006b, emphasis added).

Several Member States, especially the ‘new’ ones, protested against the Commission’s intervention. Poland and Estonia took legal action. The majority of Member States, however, had gradually come to favour a stricter approach. Not only did many Member States finally acquiesce to the Commission’s demands in June 2007, the Environment Council also advocated a revision of the EU-ETS in order to tighten the rules for the Member States. Member States *themselves*, in turn, promoted changes that would leave them with less discretion to over-allocate.

In January 2008, the Commission presented its proposal, which outlined its ideas for an EU-ETS review. In addition to enlarging the scope of the scheme to include further sectors in the future, such as aviation, the Commission proposed a single EU-wide cap, with allocation 'on the basis of fully harmonised rules' (European Commission, 2008b). In a memo, the Commission stated that this was the only way forward, as the previous approach

has generated significant differences in allocation rules, creating an incentive for each Member State to favour its own industry, and has led to great complexity ... experience so far has shown that greater harmonisation within the EU ETS is imperative to ensure that the EU achieves its emissions reductions objectives *at least cost and with minimal competitive distortions*. The need for more harmonisation is clearest with respect to how the cap on overall emissions allowances is set. (European Commission, 2008b, emphasis added)

Many Member States supported the proposal. As one representative affirmed

Experience working with the scheme has shown that there are a number of areas where improvements can be made. And the European Commission's proposal ... suggested a number of changes, one of the most important of which is that there should be ... a cap set at the European level rather than that each Member State should decide what its own cap should be. Now, I think that's quite important. (Member State respondent)

Again, Member States did not attempt to re-claim the competence to draft NAPs, by hammering on their right of self-determination or sovereignty. In the hegemonic discourse on the EU-ETS, the significance of the sovereignty signifier was generally low; national self-determination had come to be associated with market distortion, and, as such, it was considered to impede the overall goal of cost-effective policy-making. It was the latter that enjoyed general support. Against this backdrop, Member States approved of Commission measures to

break down *national* restrictions in terms of imposing real *effective* targets on their industry and so on and so forth. And making the credits credible. (Commission respondent, emphasis added)

Although the Commission was accused of having a 'hidden agenda' in other contexts, it was seen as devoid of any self-interest when it came to the EU-ETS. Its increasingly drastic interventions were welcomed by Member State respondents, even by those

who, on other issues, were declaredly sceptical about a 'too active' and 'too pushy' Commission:

[On the bigger role that the Commission is going to have in the third phase of EU-ETS] With regard to my experiences in particular with emissions trading ... I do welcome this. Since it has become obvious: harmonisation is needed, and nobody else can render this but the Commission. In that respect, I do not consider this to be something negative (Member State respondent)

I mean, if you look back at the second phase of the national allocation plans in the ETS, you can see the Commission went from a ... role in the first period of, well, ok, these are the NAPs ... to one of really trying to put things into order and give it some sense. And give considerable rationality and tightness to ... the National Allocation Plans ... its role there was central. To give credibility to what would have been a purely diffuse system which would not have worked had the Commission not stepped in. It could easily have decided to take a ... backseat, not to intervene in the active way it did. And I think the fact that they did has strengthened its position enormously It has gained credibility. Including because of the way it dealt with the national allocation plans. (Member State respondent)

From these statements it is clear that in the course of EU-ETS, the Commission came to be seen as an institution that was driven by rationality. It was considered to be free enough from Member State politics to operate in a way that ensured the integrity and the effectiveness of a policy instrument such as the ETS. Its interventions, consequently, were deemed to be necessary and legitimate.

The discursive framework in which the EU-ETS was embedded facilitated the subordination of sovereignty considerations to the overall goal of cost-effectiveness that was to be realised through a functioning market. Increasingly, the self-determination of Member States was seen as the prime threat to the creation and to the functioning of such a market. At least after the permit prices plummeted in 2006, state interests were associated with irrationality, market failure or ineffectiveness. Against the backdrop of this development, Member States agreed to actions that strongly clashed with conventional EIS assumptions. Not only were the Member States at peace with a restriction of their own competences, they also agreed to a far-reaching communitisation of EU-ETS, as the EU-level quickly became associated with advancing scale effects and forestalling competition inequalities. Without much protest, Member States confided central competences to the Commission and

trusted in its ability to become a functional, rational remedy against irrational, egotistic state interest.

What is striking in this respect is how the 'managerial' or 'economic' coating of the dominant signifiers in the context of EU-ETS removed 'politics' from this policy instrument. Sovereignty was no longer treasured but willingly sacrificed. The Commission was at no time equated with adjectives such as 'power-driven' or 'competence-snatching' but seen as the only conceivable neutral referee, with a prime interest in seeing the rules applied and thus in guarding the integrity and credibility of the system. Its interference was increasingly welcome; the fact that it rebuked Member States was mainly met with approval. This was considered to be *necessary* to tame 'national instincts'. To benefit cost-effective policy-making, Member States quite willingly submitted themselves to a system in which the Commission was accorded both a 'driver' and a 'watchdog' authority.

Target setting

Target setting in the 1990s

Targets have played a crucial role in EU climate policy-making from the very beginning, setting the scene and the framework for concrete policy proposals such as the EU-ETS. It was the stabilisation goal of 1990 that basically established climate change mitigation as an aim of EU policy. At the same time, it was with this target that the EU demarcated itself from other countries or blocks on the international level and tried to stylise itself as a leader. After the COP in Kyoto, EU Member States shared out the common target that they had agreed to in the negotiations. For 'post-Kyoto', the EU promotes the 20/20/20 target. In this way, targets have always been directed at the EU *and* the international level, thereby interlinking them.

Targets, however, also raised the question as to who was in command of target-setting. This became especially virulent in the run-up to the COP in Kyoto. After the EU stabilisation goal had been set in 1990, the following years brought no clarification as to how this target would be realised. The carbon tax struggled with the unanimity hurdle and other EU projects lagged behind expectations. Still, the Berlin Mandate, adopted at COP-1 in 1995, ignited the 'hot phase' of international negotiations, and the EU needed to agree on the target(s) with which it would enter them.

In this phase, the EU decided to enter the negotiations with a *common* target, which, however, would be distributed between the Member States. According to Member State respondents, Member States considered this a necessity:

Countries did not want to enter the negotiations without knowing what the stake of Europe would be and what its stake would mean for individual Member States (Member State respondent)

We had then certainly still considerable differences within Europe with regard to economic development. Also with regard to the organisation of the energy system. France [had] pre-dominantly nuclear energy, and, well, if you say, like, you have to reduce the emissions, then they cannot get much more out of the electricity sector. And the same was valid for Sweden at that moment. (Member State respondent)

The solution for the differences between Member States would be that

the countries which can do more, do more. And ... the countries which can do less, do less. But together with each other we agree ... where we stand as European Union. (Member State respondent)

In the accounts of Member States respondents, the statehood signifier was central. The EU was depicted as a mere conglomerate of Member States, which, in being states, were equal because each had their *own* economy and their *own* energy structure. This, however, implied that Member States were regarded as clearly separate, closed units. Sharing out the burden implied that Member States had a common interest to function internationally as 'the EU', but that they were, first of all, *states*.

In the second half of the 1990s, this discourse became hegemonial and suppressed other alternatives of meaning making. These – hardly perceptible – alternatives consisted of, for instance, thinking in *EU-wide* energy systems. In the words of a Commission respondent, to depict energy markets as national no longer made sense

because at that time [when the decision was made to share out the EU target], energy markets were becoming more and more European. And you could see at the time that no government would anymore be in control of their electricity generation, because with the liberalised electricity market, of course, it's for the companies to decide these things. So you can have as much of a national commitment, but if your companies decide not to produce or to produce, I mean, it switches the CO₂ back and forth. (Commission respondent)

In this alternative discourse, the logic revolves around *transboundary* markets that transcend Member State borders. Seen in these terms, thinking and making energy policy in a national framework was neither sensible nor effective. The desired alternative supposedly consisted of adopting an EU-wide sectoral approach or a similar scheme.

These, however, were not the criteria and solutions applied in the state-centred discourse. Here, it mattered whether a target was acceptable to the individual state, was feasible for the individual state, or simply fitted the individual state's circumstances.

Accordingly, attempts were made to find burden sharing schemes that were acceptable to all Member States. Commission proposals existed, but they did not meet with general approval (see, for instance, Haigh, 1996: 173). Finally, the Triptych approach, tabled by the Dutch Presidency in 1997, formed the basis for a pre-Kyoto scheme. The Triptych approach was an effort to realise burden sharing on a scientific basis using objective criteria. The way that final agreement was reached, however, was rather different:

I mean ... as a preparation for this burden sharing there were studies and evaluations etc. etc. etc. Finally the whole thing was a compromise that was indeed based on certain facts, but still political (Member State respondent)

The Triptych method ... did provide a certain basis ... but has not formally been the basis, the point of departure for burden sharing. And that has finally been horse-trading (Member State respondent)

[On the 'hot phase' of negotiations among the Member States] That of course had no longer anything to do with ... the Triptych approach. That was naked bargaining. (Member State respondent)

From this bargaining process, the Commission was virtually excluded and the European Parliament had been discarded from the outset. The individual targets were negotiated in a 'confessional' procedure. This meant that the British Presidency led bilateral talks with each individual Member State. Target setting and sharing in the mid-nineties was a states-only affair.

Target setting today

Ten years after the first round of target setting, auspices for new, post-Kyoto targets were somewhat different. In its Communication 'Limiting Global Climate Change to 2 degrees Celsius: The way ahead for 2020 and beyond' (European Commission, 2007), *the Commission* proposed the central targets for EU action in post-2012 years. These targets were subsequently adopted by the Council of March 2007 as originally proposed.

On invitation of the same March Council, the Commission also made suggestions on the 'distribution' of the overall targets among Member States. It provided a proposal for 'effort sharing' (that is, for sharing out the reduction target for emissions not covered by ETS) and a proposal for a directive on the promotion of the use of energy from renewable sources (including renewable energy targets for Member States). Both of these had to undergo a co-decision procedure. This time, the Parliament was on equal formal and legislative footing with the Council.

As in the case of the ETS revision, the Member States no longer seemed to mind a further communitisation of target setting, nor did they reject a more active and maybe also more demanding demeanour of the Commission in this respect. In the interviews, Member State respondents expressed their approval of both:

You now see an enormous series of proposals for legislation coming and ... I think that these are all areas where it makes sense to regulate on a European level (Member State respondent)

[On potential fears that, with communitisation in the field, too many competences are transferred to 'Brussels'] Well, that indeed depends on how you elaborate a couple of things. But we are not negative about that in principle (Member State respondent)

[On communitisation] Well, in many areas it surely is good. Because those who are less ambitious are then brought to a higher level (Member State respondent)

X [the respondent's Member State] has been very slow to develop renewables, but this [communitisation] is something that is likely to mean that we'll move forward much more rapidly on the renewables front (Member State respondent)

Without the Commission's initiatives, we would not have a unilateral 20 percent target, no 30 percent for an international agreement Well, it [the Commission] simply incredibly pushes the EU forward ... there are also a couple of Member States that very much move into this direction, but they could not move the whole in the same way (Member State respondent)

Without these requirements ... which country ... would, of its own accord, say, ok, we'll have 34 percent renewable energy? ... I do not see that. (Member State respondent)

Different aspects come to the fore in these statements. First of all, it is safe to assert that, again, sovereignty considerations did not form part of the hegemonial discourse. Instead, Member State respondents responded positively towards further communitisation as well as active Commission intervention. Moreover, communitisation and Commission action were regarded as a *prerequisite* for an environmentally progressive EU. According to the respondents, a target-setting Commission ensured that laggard Member States were pushed in the right (that is, an *ambitious*) direction.

It is striking to see that, also in the context of target-setting, Member States were increasingly perceived as the weak links in the EU structure, whereas the Commission was deemed necessary to circumvent Member State interests from taking over. This is more than an instance of Member States transferring competences to the Commission in order to 'protect' themselves from one another (e.g. to prevent the emergence of competitive advantages for some Member States to the detriment of others). Rather, communitisation and Commission engagement were considered necessary to protect the individual Member State *from itself*, from its *irrationality*, and from the *policy failure* that Member State interests seemed to engender. According to the last statements, a watchdog was needed to ensure effective policy, even nationally. The Commission, leaning on ever more Community regulation in the field, fulfilled this function. Hence, the Community, and in particular the Commission, prevented the individual Member State from deploying its potentially auto-destructive self.

As the targets are not exclusively linked to the EU level, the respondents' statements have yet another dimension. Member States not only potentially weakened policies on the national or the EU level, but they were seen to endanger the EU's success at the international level as well:

Our credibility in the negotiations on an international level depends on implementation on the national level of what we [the EU] have already agreed. And being clear on what we will do in the future (Member State respondent)

And I don't think the EU preaching, which is what it tends to do, helps when it's not actually delivering at home as well as it ought to do. (Member State respondent)

An effective EU policy was hence not considered an end in itself. It was distinctly linked to *the EU's outer performance*. Consequently, communitisation and Commission action not only protected Member States from themselves, but they were also seen to protect 'the EU' and its international role as a leader.

Conclusion

In comparison, international and EU climate change politics exhibit crucial differences. The most central of them may be that, on the EU level, the outside was usually emerging on the inside. This means that the threats to the different hegemonic or aspiring discourses emerged from within the EU as a political system. In the context of the carbon tax, for example, tax advocates found their outside either in an 'ideological' UK or in the conservative forces that still rejected the beliefs and principles of ecological modernisation. ETS in the beginning was threatened by states, such as Germany, that clung to 'outdated' command-and-control instruments. This meant, however, that the process of othering was not as unequivocally beneficial to the emergence of an EU identity as it was on the international level. Instead, inside-outside relations on the EU level stimulated and reflected the genesis of identities *within* 'Europe'; rising frictions stayed within the EU and they could not be vented to an outside. This difficulty of identity formation within the EU, in turn, endangered schemes for a 'united EU' in global climate change politics.

Another aspect that separates the EU level from the international level is that it is institutionalised to a far higher degree. The EU level has a far denser web of formal institutional rules and procedures, and these both contain and reify 'frozen' discourses. These discourses mostly depict the EP, the Commission, and the Member States as entities that confront one another in a sort of organisational triangle. As clear from the case of the carbon tax, this higher institutionalisation can considerably hamper the success of new, aspiring discourses.

A *common* feature, however, is the extremely ambivalent role statehood and sovereignty signifiers have played in dominating discourses so far. In climate politics on the EU level, such signifiers were present in the mid-nineties when the Member States agreed on distributing the Kyoto 'burden'; however, their importance has been decreasing ever since. More remarkably, they have been subject to 'transvaluation', as they came to be perceived as impediments to effective policy. In that respect, they were increasingly seen as something that needed to be overcome in the context of EU climate policy. Member States themselves, in turn, were rather willing to transfer more competences to the Community level and to grant the Commission more scrutiny. This was the case both for the third phase of the EU-ETS and for the targets included in the energy and climate package.

In a broader context, Member States came to be considered not only a potential threat to effective EU climate policy-making, but also a menace to the EU's international ambitions and notions. Consequently, as on the international level, sovereignty concerns on the EU level in recent years have been considerably pushed into the background when it has come to the welfare of the EU at large.

PART III Case study: EU institutions and Member States in green biotechnology politics

6. THE INTERNATIONAL LEVEL

Not many environmental issues have managed to attract as much attention as climate change has, whether within the EU or internationally. Green biotechnology is no exception. On the international level, green biotechnology has been mainly addressed in the context of biosafety, i.e. the safe transboundary transfer, the handling and the use of genetically modified organisms (GMOs). Although biosafety has been a topic of negotiation for as long as climate change has, it has aroused considerably less political fervour. Whereas, for instance, high-level talks have been an inherent part of climate change COPs, they have been the exception rather than the rule in biosafety negotiations. Nevertheless, during the 1990s, biosafety gradually caught more attention and hit the headlines, especially when discussions revolving around a potential international protocol on biosafety concurred with the heyday of alter-globalisation activism.

As biosafety is a rather unknown field to many, this chapter starts with a rough outline of its history in the realm of international policy-making. In a next step, the evolution of the EU within the framework of biosafety negotiations is traced, as it developed from an outright conflictual conglomerate into a considerably consensual formation. In early years of EU activity on the international level, mandate struggles opposed Commission and Member States. In later phases, however, Member States and the Commission moved together, forming a common EU inside. The unity that the EU displayed at this later stage is subsequently scrutinised. As an inside cannot be formed and exist without an outside, the last analytical section focuses on the identification/demarcation process of the EU. It concentrates on the identity that the EU created for itself in the context of international biosafety negotiations. Implicitly or explicitly, the EU formed this identity against a US outside that was perceived and depicted not only as a simple other, but, at times, as an outright threat. The chapter ends with concluding remarks.

Historical overview

When, just like the UNFCCC, the Convention on Biodiversity (CBD) was opened for signature in Rio de Janeiro in 1992, the role that genetically modified organisms and their handling played in this agreement was rather small. Only in its Article 19.3, the Convention asked that

[t]he Parties shall consider the need for and modalities of a protocol setting out appropriate procedures ... in the field of the safe transfer, handling and use of any LMO³⁰ resulting from biotechnology that may have an adverse effect on the conservation and sustainable use of biological diversity.

This meant that GMOs were mentioned in the Convention, but that parties were still far from a clear mandate that would have initiated negotiations on a specific protocol or another legal instrument in the context of international biosafety.

From the start, a strong preference for such an instrument prevailed mainly among developing countries (DCs) (Falkner, 2002: 4). Anxious that they might be used as guinea pigs for Western inventions in the field of green biotechnology, many DCs actively pushed for a binding protocol. The USA, on the other hand, had already declined to ratify the CBD; likewise, it rejected any legal instrument on biosafety. As far as the EU Member States were concerned, 'Germany and France had clear reservations about the need for a protocol' (Rhinard & Kaeding, 2006: 1038). Their reservations were commonly ascribed to the fact that these countries wanted to create as few barriers for green biotechnology as possible, as they regarded it as a technology with large economic potential. Denmark was in favour of a protocol, just as the Member-States-to-be Austria and Sweden (Rhinard & Kaeding, 2006: 1038). The Netherlands and the UK, in the meantime, were more occupied with the development of voluntary safety guidelines. These efforts resulted in the 1995 UNEP International Technical Guidelines for Safety in Biotechnology (Falkner, 2006: 10).

The disparity of opinions within the EU was reflected in its Council conclusions in the run-up to the Second Conference of Parties of the CBD in 1995. Therein, the Council estimated somewhat equivocally that 'suffisamment d'éléments prouvent la nécessité

³⁰ Rather than use GMO, the Convention used the term 'Living Modified Organism' (LMO).

et l'urgence d'adopter une action internationale pour la sécurité en biotechnologie'³¹ (N.N., 1995), but it did not state that this should lead to the adoption of a protocol. At the COP-2 in Jakarta, it was only after extensive negotiations that the parties could agree on a mandate for an additional biosafety protocol. As far as its contents were concerned, disagreement continued to prevail both within the EU (La Vina, 2002: p.38) as well as internationally. In order to find a common denominator, the 'Open-ended Ad Hoc Working Group on Biosafety' (BSWG) was created. Its task was, among others, to elaborate on key terms and concepts; to develop procedures for an advance informed agreement (AIA) between countries³²; and to identify the categories of LMOs that would be relevant in a potential protocol.

Just like climate change, biosafety was a new field of international politics in the 1990s. However, unlike climate change, it was not perceived by EU policymakers as another arena in which the EU wanted to emerge as a prominent or leading actor. It remains even doubtful to what extent we can speak of 'EU' action when referring to the infant years of biosafety, as the Member States mostly went about their own disparate ways.

Nonetheless, when the mandate for opening protocol negotiations had finally been agreed on, this also had an impact on the formal arrangements within the EU. For the BSWG process, which started in 1996, the Commission was given a mandate to negotiate for the EU on 'matters within the Community's field of competence' (Rhinard & Kaeding, 2006: p.1034). This formulation, however, offered enough space for multiple and controversial interpretations. In total, it took two years and an exhaustive list containing the distribution of tasks between the Presidency and the Commission so that discussions within the EU would gradually settle. From then on, 'the Commission would negotiate on all trade-related matters and on matters closely related to the *acquis* and the Presidency would negotiate on the remaining issues' (Bail, Decaestecker, & Jorgensen, 2002: 170).

This distribution was retained throughout the BSWG process and the two Extraordinary Conferences of Parties (ExCOPs) that followed. The original deadline

³¹ This could be translated as: 'There are enough aspects which prove the necessity and the urgency of international action on biosafety'.

³² As Robert Falkner and Aarti Gupta explain, AIA obliges exporting countries to notify importing countries in advance of the first shipment of a LMO charge. They also need to supply a detailed description of the respective LMO (Falkner & Gupta, 2004: 3).

set for BSWG's preparatory work was 1998. According to the schedule, the fourth meeting (BSWG-4) should have been the last (Falkner, 2000: 303). However, two more BSWG meetings and two ExCOPs were required to come to an agreement. During the process, the negotiations were increasingly cast in terms of environment protection versus the promotion of trade. Particularly during the ExCOPs, the EU positioned itself as a mediator between the Like-Minded Group³³ and the Miami Group³⁴ and as the more likeable alternative to the US.

In opposition to the US, the EU demanded that the protocol not be subordinate to other international agreements (especially existing agreements in the WTO frame) and that a broader scope of LMOs be targeted by the protocol. It demanded that parties be allowed to block imports by invoking the precautionary principle and that the LMOs in question be provided with extensive labelling and documentation (Bail et al., 2002: 174; N.N., 1999). When talks came to a deadlock at the first ExCOP in Cartagena, Colombia, in February 1999, the EU tabled a proposal that was explicitly presented as a compromise between the positions of the Like-Minded Group and the Miami Group. It was eventually accepted by the Like-Minded Group. The six Miami Group countries, however, declared that in the end they preferred no deal to a bad deal. The ExCOP was accordingly suspended without result (Falkner, 2000: 304f).

During the resumed ExCOP in Montreal, Margot Wallström, the Environment Commissioner at the time, and all fifteen environment ministers of the EU Member States came to Canada (N.N., 2000). This set a precedent, as, unlike in climate change negotiations, politicians had so far been absent from the negotiation process. Agreement was indeed reached in Montreal, where, in the end, the Miami Group was considered to be isolated.

Just as the CBD, the Cartagena Protocol was never ratified by the US. When the protocol came into force in September 2003, several aspects still needed consideration. Discussions about the documentation requirement system persisted

³³ The Like-Minded Group consisted mainly of DCs that were not exporting GM seed and crops.

³⁴ The Miami Group consisted of major exporters of GM seeds and crops such as Argentina, Australia, Canada, Chile, Uruguay, and the United States. As Cathleen A. Enright points out, '[f]or the United States, participation in the Miami group was vital to its participation in the negotiation', as 'it was in the unique and unenviable position of negotiating the protocol as a non-party to the protocol's parent agreement [the CBD]' (Enright, 2002: 98). As a non-party, the United States could fully participate in negotiations, but did not have any voting powers.

until parties reached an agreement at a COP/MOP³⁵ in Curitiba, Brazil, in 2006. In the past few years, the issue of 'liability and redress' has become prominent. Discussions here focus on whether a binding regime is needed to deal with the potential legal claims made by countries that assert that they have been damaged by LMO imports. To address this issue, an Ad Hoc Open-ended Working Group of Legal and Technical Experts on Liability and Redress (WGLR) was established at the first COP/MOP in Kuala Lumpur, Malaysia, in 2004, agreeing in 2008 to what was vaguely termed 'a political compromise that will pave the way towards adopting a legally binding regime' (IISD, 2008). For negotiations on both the documentation requirement system and the WGLR process, the Commission had to request additional negotiating mandates, which it was granted in both cases.

From conflict to conciliation

Conflict

Especially in the first phase of the BSWG process, conflicts within the EU were dominantly, though not exclusively, mandate conflicts. For BSWG negotiations, the Commission was given a mandate; yet, from the start, this mandate was accompanied by struggles within the EU that were visible even to third parties and other outside observers.

According to one respondent, a potential Commission mandate first became an issue

when moving closer to Jakarta. Where the decision to start a negotiation [for a protocol] had to be taken. (Council Secretariat respondent)

It must be mentioned that in Jakarta itself, negotiations were still being handled by the Presidency. At least, this was the case *in principle*. De facto,

³⁵ In the context of biosafety, a COP/MOP is '[t]he Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol'. It is 'the governing body of the Cartagena Protocol on Biosafety. Its primary role is to keep under regular review the implementation of the Protocol and to make decisions necessary to promote its effective implementation' (Convention on Biological Diversity, n.d.).

Spain had the Presidency and ... they had too little manpower to do it, and they asked whether the Netherlands and the UK would do it for them. (Member State respondent)

This constellation changed drastically at the first BSWG meeting in Århus, Denmark, when it was the Commission that offered support to the incumbent Presidency at the time (Ireland). The Commission also demanded that, as soon as negotiations would move to smaller circles, it should represent the EU

alone or with the Presidency. And in the case of questions of EU competence ... the Commission speaks. (Commission respondent)

Not everyone was satisfied with the Commission's efforts and demands. When the Commission finally walked the talk and sent someone from its own staff to a meeting as the only EU representative, Member State representatives reacted with dismay.

Many Member State representatives saw the Commission's moves as an act of competence snatching and as a direct affront by the Commission against Member States as a whole. One Member State respondent remembered the Commission's agreement with the Irish Presidency as an act of 'creeping in'; in the memories of another, Member State representatives accused the head of the EC delegation at the time,

to fight against the Member States to increase the competence of the Community and the Commission versus the Member States ... we spent most of the [Århus] meeting fighting, Member States against the Commission. (Member State respondent)

When asked whether this was a perception shared by most Member State representatives, Member State respondents answered in the affirmative:

Oh, everybody was on the same page. Look, this was ... a period where people had little confidence in the Commission. The Commission was something of an irritating club ... that was the time when the Commission was only perceived as incompetents, greedy for power. And they only bothered you (Member State respondent)

I think all [Member State representatives] were concerned. Some voiced their concern rather more strongly than others. But I think, yes, all were concerned. (Member State respondent)

Hence, as in the case of international climate change politics, meaning making in the context of the mandate question in international biosafety politics seemingly corresponded to the assumptions of conventional EIS. It was yet another competence struggle in which Commission and Member States confronted one another. In this struggle, Member States, like many times before, regarded the Commission as an outside intruder in their realm. Some respondents, entirely in that vein, pointed to the fact that competence struggles concerning external representation were something 'common' or even 'natural' in mixed negotiations:

The Commission is ... always someone who pushed or does something where Member States have to keep an eye on, so that it does not draw too many competences to itself (Member State respondent)

You had a lot of suspicion in the beginning of the process ... which is probably quite natural as Member States are most of the time and not only for environment matters ... worried that the Commission may try to expand its competence beyond what is strictly necessary from a Community point of view. (Council Secretariat respondent)

It must be said, however, that the discourse underlying contentions in the context of biosafety was less black-and-white – and thus less stable – than it appears. To give an example, when the Commission staff present at the Århus conference insisted on representing the EU in negotiations, this did not only irritate the Member State representatives. According to a Commission respondent, high Commission officials back in Brussels were also shocked when they heard of the incident, as previously the Commission approach in matters of external representation and in the relation with Member States had been far more cautious.

In addition, identity formation at the time was not exclusively dominated by signifiers such as statehood and sovereignty. Rather, the divide between the Member States and the Commission was in some way 'double stitched' by other signifiers. As one respondent declared in an earlier statement, Member State representatives tended to perceive the Commission in the first phase of the BSWG process as a group of 'incompetents'. The Commission's alleged lack of expertise in the early phase of protocol negotiations was a recurring element in biosafety interviews and respondents repeatedly identified this lack as something that set the Commission apart from the rest:

The other element has more to do with expertise, I would say. Most of the people from the Member States that are participating in the negotiations, most of them were scientists or people pretty close to the development of biotech related frameworks. So people with quite a good knowledge of the subject from the scientific or legal, whatever the point of view. And collectively, obviously, they represented quite a significant amount of knowledge and experience. Which the Commission with all the good will in the world cannot match So this could always add to the suspicion that what is proposed by the Commission maybe was coming on the basis of insufficient knowledge or analysis. And the feeling that, well, Member States know best simply because again of the collective amount of knowledge (Council Secretariat respondent)

It was still the case that in this phase the Member States, or some, eyed the Commission rather suspiciously. The more so as the head of the EC delegation was not from the same trade so to speak, he was after all not very experienced as far as environmental matters were concerned, let alone in the field of biotechnology (Commission respondent)

The Member States – again, many individuals had been around for some time. And the experience that the Member States had was considerable. And I think there was a lot of feeling that this was an area of mixed competence and the Member States should have a voice. (Member State respondent)

Hence, the problem with the Commission was not only that it was not a Member State. The problem as perceived by Member State representatives was also that the Commission missed the expertise that many of them had. These two shortcomings aggravated one other. What right did the Commission have, as it was neither a Member State nor did it bring any other qualifications to the table? The dominant impression among Member State representatives was that

[T]he Commission have no knowledge in the house, but they want all sorts of power. (Member State respondent)

Yet another layer cemented the conflictual relationship between civil servants from the EU Member States and Commission representatives. The Commission, to put it bluntly, was simply not a 'part of the gang'. After all, the Member State experts had known each other for years; they had worked together in different contexts. The main Commission representative, on the contrary, was new in the field. In the words of a respondent,

[h]ere was a close working relationship between the Member States, because this work had been prepared within a working group of the Council. And so we had already worked among Member States and there was also a personal relationship. You have to understand that, in this area, it is a very small family of a limited number of people. And we know all each other very well. From the OECD, from the Biosafety Protocol, from the EU. And so in fact ... we knew each other on a personal basis. Which made it very easy between Member States to, you know, organise and coordinate. While Christoph [Bail, the head of the EC delegation at the time] was coming from outside ... he was not at that time, not part of this biosafety small group of people. And so, yes, there was a sort of group against the Commission. But more based on the background of the individuals rather than countries' positions. (Member State respondent)

The initial position of the Commission was obviously unfavourable. At least three key signifiers cast the Commission as the Member States' other, as an outside. It was not a Member State, it allegedly lacked expertise, and its representatives were not part of the 'in-crowd'. The aversion of Member State representatives to transfer competences of external representation to the Commission was embedded in a multi-layered discourse, in which the Commission played the unhappy part of the odd man out in more than one respect.

In addition, the relationship between the Commission and the Member States on the international level was affected by biotechnology politics at the EU level. There, the main divide was between green biotechnology 'supporters' and 'sceptics' (see chapter 7). This created a minefield that put Member States at odds with one another. However, this conflict did not spare the Commission either as it was generally seen as 'pro-GMO'. Hence, Member States, in their willingness or reticence to grant more competences to the Commission, were also guided by the underlying logic,

right or wrong, that moving more to the Commission would mean basically giving priority to trade. While keeping more in the Presidency's hands, and implicitly Member States active behind the Presidency, would mean that the green-related concerns would get a higher priority. (Council Secretariat respondent)

In 1997, in an attempt to decide the issue and to close the ongoing conflict concerning external representation, the EU parties compiled a list that took stock of all the pertinent issues in the negotiating process and subsequently assigned them to either the Presidency or the Commission. However, this list offered only a basic guideline for task distribution. It did not provide any orientation on the finer points:

We agreed to go more or less along subjects that were mentioned as ... topics to be covered in the decisions of the parties to the biodiversity convention. But if you say something like labelling should be addressed by the Commission ... well, it looks fairly precise ... but in fact, it is not. So how far do you go then? Just take an example: Should the issue of language to be used when labelling, is that a matter of Commission competence or not. (Council Secretariat respondent)

Hence, the list only guaranteed a partial closure of the issue. The basic conflict over external representation lingered on. It even became a legal affair when the Commission asked the ECJ whether the authority to sign and ratify a future protocol lay with the Member States or with the Commission. Competence struggles, consequently, still occupied and divided the EU actors in the aftermath of the Århus meeting held in 1997:

So you had maybe two years where matters were still pretty tense. And we ... wasted quite a lot of time simply solving these practical elements, practical points. (Council Secretariat respondent)

Conciliation

After these years, however, a definitive shift can be traced in how the relationship between Commission and Member States was perceived by all sides. To start with, the Member State representatives gradually 'admitted' the Commission to the EU circle of experts. Not only became Member State representatives convinced that the Commission staff did possess expertise after all. In due course the civil servants also gained the general impression that the Commission could bring something *extra* to the process:

We had somebody from the Commission who had come up through trade policy. Who was extremely good in terms of negotiating the trade-related issues. And probably better than anybody from the Member States would have been (Member State respondent)

For the Member States, it is an advantage to have somebody [from the Commission] who has a relatively good knowledge of legal matters and trade matters (Member State respondent)

The Commission in that case had a strong position ... because of the people who were there and the professional qualifications the people had, from other areas where they had already led international negotiations of this kind. (Member State respondent)

During the BSWG process, biosafety negotiations progressively became more trade-oriented, that is, they *de facto* became negotiations on the trade of/with GMOs. The Commission's contribution was increasingly appreciated, as Member State representatives deemed the Commission to possess specific knowledge and experience in the field of international trade politics. The Commission was hence no longer seen as an outsider to the group of EU experts. Instead, Member State representatives found that the Commission brought something to the EU that the group had *lacked* when it was only composed of Member State experts. The Commission was no longer opposed to the Member States, but it had become a peer:

There were Member States that tended to take a lead on certain aspects. Of the negotiations. And the Commission on other ones. So we did come to a, I think a very effective negotiating team. (Member State respondents)

Both Commission and Member States moved to a new, common inside. Increasingly, they shared one identity:

We called it ... biosafety family (Member State respondent)

It did occur to us as, well, a family. And there was something in that. (Member State respondent)

In contrast to the days in which the Commission was an outcast, the doors were now open for the Commission to enter the EU group. Changes that had occurred in the discursive constellation facilitated this development. In the dominant discourse, expertise and being 'part of the gang' remained relevant, but the Commission – no longer new and equipped with sufficient knowledge to convince the other EU actors – was now able to meet these criteria. Sovereignty and statehood came to play only a marginal role. The Member State representatives were satisfied with the Commission as long as it ticked the other boxes.

During the ExCOPs the Commission came to assume the role of sole EU negotiator (Bail et al., 2002: 171). After the Cartagena Protocol was concluded, mandate discussions continued, but the Commission firmly remained part of the EU *inside*.

In the years that followed 'Cartagena', the Commission had to ask for new mandates for the negotiations on labelling provisions as well as on liability and redress. Although the Commission's position within the group had changed, this did not save the Commission from renewed debates as to whether it should represent the EU in these negotiations. In principle, external representation remained an undecided matter.

Still, the altered discourse did have a decisive impact on these discussions in the sense that the overall distribution of loyalties within the EU was altogether different from before.

To be sure, the basic constellation remained the same in the sense that, as in the mandate discussions before, those that opposed the Commission mandates were not unified by sovereignty considerations. There were, to be sure, Member States which rejected such mandates as a matter of principle. Yet, consenting or not consenting to Commission mandates often was related to the positions Member States assumed in the internal pro-/anti-GMO debate (see chapter 7). In the words of a Commission representative, the opposition consisted largely of those

who in fact were more concerned that the Commission's position on the subject would be not as strong as they wanted. Because our position was of course based on the existing [EU] legislation, not less, but also not more and we didn't want to put in place a system which would be too burdensome, disproportionate, we wanted to try and strike the balance. But some Member States held that the balance was not high enough for them ... they wanted even stricter rules than what we had already inside and so there were substantive reasons, not related to the issue of fight of competence between the Member States and the Commission, but rather related to GMOs as such. (Commission respondent)

Hence, the mandate question again became partially fraught with the discursive divides that dominated the EU's internal biotechnology politics.

Yet, this new round of competence struggles was far less clear-cut than the first one. From the start, there was not only a group of Member States which opposed a Commission mandate. Instead, the countries that rejected such a mandate confronted a considerable group of Member States that *supported* the Commission's 'cause'. The latter group even assisted the Commission in overcoming opposition to a Commission mandate:

We [the Commission] had a quite good ... reputation and also the various individuals involved from the Commission in the group. So there was a quite substantive group of Member States that were in favour of giving us a mandate ... we put forward a mandate ... and some Member States tried to I would say sabotage this mandate by putting forward a kind of alternative proposal ... which was clearly unacceptable to us etc.. And the ... Presidency at that time ... was instrumental in leading the discussion to a favourable position on the Commission proposal ... the issue went to the Coreper [the Permanent Representatives Committee] and at the Coreper ... there was no agreement. So it was sent to Council. And at Council we had some ministers who were quite outspoken against the mandate But the chairman basically said, well, we have heard the opposition of some Member States and taken due note. But we have a qualified majority in favour. So it's adopted.³⁶ (Commission respondent)

It follows that the Commission by this time could rely on the support of Member States that did not mind its alleged stance in EU biotechnology politics. These countries were also rather indifferent to the fact that the Commission did not belong to the group of Member States. Instead, 'supportive' countries, or their representatives respectively, valued the Commission's expertise and regarded it as a full member of the 'EU biosafety family'.

The changing position of the Commission within the EU group also was reflected in how it was described by the 'new generation' of Member State representatives. In the interviews, Member State respondents who were new to the biosafety process would not refer to the Commission as an outsider or a threat. Instead, they referred to the Commission as a source of good negotiators:

The Commission ... is really accepted and perceived as a good negotiator (Member State respondent)

The Commission ... has very good negotiators. And well, they have been sitting there longer than the national people, too ... you have the most experienced people usually belonging to the Commission. And the more experience, the more you can achieve. And you also get a kind of, well – if you then say something, it weighs more, because they know you are not talking nonsense. (Member State respondent)

³⁶ As Delreux points out, '[t]he decision-making rule in the Council on both the authorization [of the Commission as negotiator] and the mandate follows the decision-making rule for similar issues in internal decision-making So, when an internal policy measure on a particular issue is internally decided on by qualified majority voting ... the same rule will apply for the decision on the authorization and possible mandate for external action' (Delreux, 2006: 239f).

Although the external representation of the EU still is far from being a closed and sedimented issue, the Commission has achieved an impressive record in biosafety negotiations. In 1999, when the first ExCOP in Cartagena entered a crucial phase, talks were narrowed down to a 'friends of the presidency' circle. This meant that the conference presidency negotiated with only one representative per group (Miami Group, the Like-Minded Group and the EU). Only three years after the Member States and Commission had fallen out at the Århus meeting, there was no discussion necessary in order to determine who should represent the EU in this forum. A representative of the EU Commission took the EU seat. Even when talks were taken to the ministerial level during the resumed ExCOP in Montreal, in 2000, it was this Commission representative who led negotiations on behalf of the EU, 'surrounded by six or seven EU Member States ministers' (Commission respondent. See also Bail et al., 2002: 171). In the 'post-Montreal' era, the Commission remained in the lead on the most salient issues in international biosafety negotiations. It represented the EU in negotiations on both documentation requirements and liability and redress.

Obtaining a mandate was always something the Commission had to work for, and it required extra effort. However, the means to which the Commission resorted in this respect changed over the years. Only in a very early stage did the Commission run the risk of outright confrontation with the Member States. According to Member State respondents, the Commission was far more accommodating as time went on. Although in 2000, the Commission asked the ECJ for an opinion on the proper legal basis for the conclusion of the Cartagena Protocol (for more details, see Eeckhout, 2004: 42-45), tensions between the Member States and the Commission had already lessened by that time. In the opinion of one respondent, the Commission deliberately kept a low profile during the legal proceedings:

In fact in other instruments it [the Commission] has managed to push it harder and have ... a harder line with regard to competence and the relationship between Commission and Member States ... they didn't push hard in the pleadings to have that. (Member State respondent)

The respondent regarded this reticence as an indication that the Commission did not want to damage the quality of the relationship it had developed with the Member States after an initial phase of conflict:

At that stage, there was already ... a good team between the Member States and the Commission. So nobody had interest to sort of fight this anymore

I don't think it was a renouncement. I think they [the Commission] just found that the deal they could have with the Member States was a good deal to conduct these negotiations. And they saw session after session that it worked out well and there was no need to fight for reasons of formality. Because in substance, the work was done. And was well done. (Member State respondent)

According to this account, the Commission had come to prefer a good team spirit and a strong EU performance in the negotiations to an expansion of formal competences at all costs.

In many contexts, the Commission seemingly maximised endeavours to warrant harmony within the EU. One Commission respondent told that when the Commission asked for a mandate for the liability and redress negotiations, the Commission proposed a text that

was in a way unusual, because normally a mandate contains negotiation directives which are very broad. So it gives a lot of leeway to the Commission. And this mandate had negotiating directives that were very detailed. Because we tried to reflect into the directive a compromise that would satisfy all Member States' positions. (Commission respondent)

Commission efforts continued during the negotiations themselves:

[W]hat we did was that we went to this [international] meeting We had a whole Sunday I remember from the beginning to the end, in which together with the Dutch Presidency we developed texts and we met I think the five Member States who had problems with this text, we discussed bilaterally, we took on board their comments, we developed new texts ... we finally came to agree a number of proposals and alternatives and options that the EU could suggest during the negotiations. And that brought us back to really a joint position. And then during the negotiations, to make sure that everybody was on board ... before accepting any ... texts or final solutions etc., we would always refer back to our group ... and get a green light from them before it was too late, you know. So this went on for the whole week of the meeting of the parties. And that built trust. Cause people felt they were in good hands

We tried to reunite, once we received this negotiating mandate, to reunite the EU which had been split in the environment Council where a vote [on the Commission mandate] was necessary ... it was a very time consuming process, on which we spent a lot of energy. But the EU was united and that was satisfactory

Then because the international negotiations failed, we had to ask for a second mandate for the continuation of the negotiations. But this time it was adopted without any opposition. Because people were happy the way we handled the mandate the first time. They trusted that we had brought everybody on board and not followed our own line etc.. (Commission respondent)

It is not the intention of this study to make 'truth claims' about any of the previous statements. Nevertheless, from these accounts it can be concluded that the Member States and the Commission came to share a discursive ground. Over time, Member State representatives became less likely to interpret Commission actions in terms of malevolent competence snatching. Commission staff, in turn, hesitated to openly criticise Member States which opposed a Commission mandate. Instead, Commission representatives and civil servants gradually came to think of each other as well-intentioned. They no longer regarded each other as competitors, but as combatants; combatants that, in the name of shared goals and a common consensus, were able and willing to make concessions.

When speaking of the current relationship between the Commission and the Member States in international biosafety politics, Member State respondents no longer resorted to the metaphor of competence struggle or to similar expressions. Many of the respondents emphasised that countries that rejected Commission mandates as a matter of principle were a minority within the EU. Some added that this was a UK particularity:

There was a small group of Member States and they were reticent for different reasons. There are some whom I would call ... more the Eurosceptics group. And here you have generally the UK, Denmark, Sweden, to some extent Austria that generally oppose mandates to the Commission to negotiate in international environmental issues by a matter of principle on any matter. It does not matter what, their position will just be no, we don't want it (Commission respondent)

There are some Member States which do not want to give up their competence as a matter of principle ... England is very restrictive as far as that is concerned. They ... actually do not want any mandate for the Commission (Member State respondent)

The only ones systematically trying to push back the Commission are the Brits (Commission respondent)

For instance England ... in general thinks that the Union gives too much away to the Commission. The Commission, according to them, is never allowed to do anything. So, they are opposing everything. (Member State respondent)

However, many Member State respondents added that, to them, the mandate question was of minor importance. Likewise, they declared that whether the Presidency or the Commission spoke had little significance *in practice* and that what really counted was the actual output the EU achieved:

Looking at it factually, I would say that it is not such a big problem whether it is now the Presidency that speaks or the Commission that speaks As a rule, the players know each other ... personally. So ... you can estimate quite well who is going how far and who has which intention. And when that is well-established, it is working (Member State respondent)

It is a matter of principle for quite some Member States. I think that, in practice, it does not really matter that much (Member State respondent)

The Commission mandate actually was of less interest to me. It was not important in my opinion ... in practice, there has always been a very sensible, sound and cooperative collaboration between Member States and the Commission. And that worked. (Member State respondent)

Hence, in the accounts of many respondents the mandate question no longer was depicted as a matter of sovereignty or as a prime concern for Member States. What had become far more significant to civil servants was that the actual negotiation practices seemed to work, that they produced the desired output. As respondents judged the cooperation within the EU as very effective, anything else was of minor importance.

Union in the making

As has been adumbrated in the last sections, a common EU inside began to develop rather rapidly after the initial competence struggles had been fought. This inside included the Commission and it was something of which all respondents were proud. In the interviews, respondents put EU unity very much at the forefront. For the crucial phase of the BSWG process as well as for the two ExCOPs, respondents not only

referred to the EU as a family, but also as a team, a unit, a block or simply – as ‘*the* EU’:

Once people were in a way, not trapped, but in a way used to this division of labour [between the Commission and the Member States] ... it helped consolidate the team (Council Secretariat respondent)

We did come to a, I think a very effective negotiating team. In the EU (Member State respondent)

That was a team work. Because every subject involved everyone. Even if the Commission negotiated, the Member States were behind and vice versa (Member State respondent)

Somehow I ... felt that the trust was there and that the team was there (Commission respondent)

The EU, certainly at the time I can remember, was functioning as a unit I don't think we should overstate the difficulties (Member State respondent)

The longer you are together and discuss things, the more you grow together and then there somehow was an esprit de corps ... and you say, gee, we have to assert ourselves as EU here (Commission respondent)

The EU was negotiating very effectively as a block. (Member State respondent)

Likewise, respondents repeatedly emphasised that the EU had *one* position and pursued *one* goal despite ‘minor’ differences:

We somehow had a common goal and we ... knew, we are only going to achieve it if we are at least not at odds with one another (Member State respondent)

Within the EU ... differences of course ... constantly appeared ... but, well, in this case you of course always come to the result that you have to act as EU (Member State respondent)

What you see in practice is that the EU does ... act very consentaneously. Sometimes harder words are spoken in the heat of the moment, but, well, I think that they [the EU] did increasingly well. (Member State respondent)

These statements are illuminating in several respects. To start with, they indicate that the respondents, regardless of their institutional affiliation, felt a part of a circle

whose goals they shared. The notion of equivalence is prominent in the accounts. Secondly, as unity and equivalence became central, respondents considered potential differences within the EU to be unimportant and negligible. Lastly, respondents perceived themselves not only as *representatives* of the EU in biosafety negotiations. They *were* the EU in this context. As in the case of international climate change, this circumstance found its linguistic expression in the use of the we-pronoun

As EU, we of course have always had a special coordination mechanism (Member State respondent)

Despite the fact that we were at the time 15 countries, now 25, we only speak with one voice. (Member State respondent)

Several inter-related key signifiers helped to stabilise this notion of 'inside'. The EU was qualified as not *any* unit or group, but as a *special* body of which one could be proud. According to the respondents, one of the EU's distinct qualities was its effectiveness in the negotiations:

We did come to a, I think a very effective negotiating team. In the EU. Where we were using the strengths of the various Member States and the Commission to go for the best deal that we could ... it was a very, a very good group that had a lot of understanding about its own position. And where I think we were all pulling together (Member State respondent)

I mean the EU was negotiating very effectively as a block against some ... players from the Miami group or what it was called (Member State respondent)

In international negotiations ... we always have difficulties if we in Europe do not agree. And we actually only have a chance ... when we in Europe agree If we go to an international conference and we cannot agree, and Member State A argues for something which Member State B opposes and the Commission tries to mediate and in addition has an own position ... that is not understood by wide parts of the world ... and then we are not taken seriously, we cannot make our points ... if we ... succeed in, let's say, harmonising our opinion beforehand and reach one opinion, then we have a good chance to play a very, very good role in the international, global discussion ... we also have a good chance of playing a global, interesting leadership role or so. And that has precisely been the case in this case. (Member State respondent)

Effectiveness had a crucial position in EU identity formation. It was closely linked to unity; in fact, EU actors perceived the EU to be effective *because* of its cohesion. This

meant that the liaison between the signifiers of unity and effectiveness had a disciplining effect within the EU. As the need for collaboration was deemed to be of central importance, EU actors avoided confrontational behaviour. Moreover, as EU actors increasingly had the feeling that they belonged to a group which was effective and successful in the negotiations, they developed a sense of pride. The EU's success seemed to confirm that acting as a unified whole was a right decision.

Respondents highlighted in particular those qualities of the EU relationship that went beyond purely strategic considerations. The EU was depicted as more than a mere opportunity for Member States to reach 'their' goals internationally. On many occasions, respondents stressed the role of *trust* within the EU:

There was – it's a chemistry which I think there is no recipe for. You find people who have a good working relationship I think it's a matter of personal relationship more than anything else. And that of course builds up gradually the more you spend negotiations together, the more you have trust (Member State respondent)

The trust in the respective person that negotiated was always high, with few exceptions (Member State respondent)

I also had the feeling, okay, they trust you Somehow I experienced it like that, that the trust was there (Commission respondent)

Even when there was a difference of opinion or position because the Commission line or the Member States' line was different, what makes a lot of difference is the personal interaction and the mutual trust ... saying, well, our position is different, these are the political reasons etc.. That's an element that facilitates work enormously. (Commission respondent)

The trust signifier reified the sense of equivalence among Commission and Member State representatives. As emerges from the last statement in particular, it moreover had a smoothing effect on potential cracks or on the appearance of *differences* in the EU. The central position of the trust signifier in these accounts contradicts the assumptions frequently made in principal-agent inspired works about the EU. These works assert that distrust is inherent in matters of EU cooperation and that control mechanisms are thus inevitable.

Apart from 'trust', 'expertise' was crucial in EU identity formation. Whereas once it had drawn an inside-outside demarcation line *within* the EU, it now stabilised a

common EU inside. Again, this signifier did the 'dirty work' of papering over internal fissures. Respondents were convinced of the expertise the EU brought to the bargaining table:

The EU was ... a relatively strong, homogeneous, knowledgeable and, up to a certain degree, also dominating factor in these negotiations Because we had many people and good people (Member State respondent)

A lot of people feel that because the EU has the resources and we discuss a lot, our level of preparation for the meeting is much deeper ... many other parties have, you know, just studied documents superficially etc.. And also our position is more balanced Because it's been negotiated for some time. So I have heard quite a number of colleagues from third parties saying, you know, we are just waiting for the EU position because very often we will just follow it. Because we think it's often the one that strikes a right balance (Commission respondent)

And that was the big advance of the EU, that we basically were the only ones that had already something ... [EU] regulations ... of which we were after all convinced. And still are. That they are sensible (Member State respondent)

[On the relationship with the Like-Minded Group] On biosafety, they were very much behind the EU all the time, because they knew that we had developed, well, basically the most complex system in the world for our regulation of biotechnology (Commission respondent)

Through these new regulations [in the EU] you indeed see that ... we can now act in a much better way. Because we now have legislation where we all are standing behind There are still differences between us, but there is one piece on which we all agreed. (Member State respondent)

As emerges from the statements, respondents were particularly proud of the EU's internal coordination mechanism and of the regulatory system that had been established within the EU. However, it is striking to see how in these accounts EU practices and institutions that are often seen as negative were 'discursively remodelled'. To use a more Nietzschean expression, they were *transvaluated* into positive EU attributes that put the EU ahead of others.

To give an example, the EU's internal coordination mechanism during negotiations, i.e. the meetings in which the EU internally fine-tunes before entering international talks, is reputed for its heated discussions. However, in the respondents' accounts

above, these meetings were no longer depicted as arenas of conflict. Instead, they were transvaluated into fora where the presence of different opinions enabled the EU to reach a *better* (i.e. a more balanced, a more elaborate) common position.

The EU's legislation was similarly re-interpreted. As is described at length in chapter 7, in the field of green biotechnology, decision-making in the EU was and still is a major bone of contention. Nevertheless, in the international context, EU respondents presented the existing legislation as a trump in the hands of the EU and as something that enhanced the EU's position vis-à-vis other parties. Moreover, the respondents stressed the unifying aspect of the legislation, as it was something everyone had agreed to and something everyone supported.

In this context, it must be noted that, generally, the fierce contentions on green biotechnology *within* the EU seemed to have no impact on European 'harmony' on the international level. It almost appears as if a clear boundary contained conflicts within EU borders and according to respondents 'there wasn't that much interference between the two processes' (Member State respondent). Whereas supporters and sceptics of green biotechnology nowadays still oppose each other on the EU level, EU actors on the international level have managed to find a 'precautionary-critical' (Member State respondent) middle ground for the EU as a whole.

Us and the US

As was pointed out in the preceding sections and chapters, an inside cannot possibly emerge without a corresponding outside. By looking closer at the statements quoted in the last section, it becomes clear that they were, implicitly or explicitly, pointed towards an outside as well, as they depicted the EU as being more knowledgeable, as being more coherent, as being better *than* others.

As in the case of climate change, the US was cast in the role of the EU's 'other'. However, the EU officially refrained from positioning itself *against* the US and the US's positions in an outright manner. Instead, the EU presented itself as a 'mediator between the extremes', i.e. between the Like- Minded and the Miami Group:

At some point in time ... it was clear to us that we had to play the honest broker or middle man between these various groups (Council Secretariat respondent)

[The EU] agreed on the role of a precautionary-critical mediator. We ... developed a self-image and said: We want to mediate between the developing countries ... and the agrarian exporters with the strong trade-policy interest We see ourselves in the middle (Member State respondent)

The EU often, especially in those matters, tried to take a mediating position (Member State respondent)

Especially during the biosafety protocol we had a bit the role of, I think, building bridges between the Miami Group and the people that so to speak did not want GMOs (Member State respondent)

I think the EU was viewed as a good compromise breaker. (Member State respondent)

Officially, the EU presented and perceived itself as an 'honest broker', who sought compromise and contributed to the process in a constructive manner. Moreover, respondents portrayed the EU as a decisive actor, as the sine qua non without which a compromise could not have been reached and the protocol negotiations would have failed:

It's difficult to see ... how there could have been a protocol without the EU. Because the other negotiating blocks I don't think could have found the common ground. I think the EU did play a major role in bringing the negotiations to a successful conclusion (Member State respondent)

The EU played an instrumental role in breaking the compromise ... and a final agreement. (Member State respondent)

In claiming the constructive, benevolent part for itself, the EU more or less implicitly kept the 'bad guy' image for the US. Respondents accused the US and its Miami Group entourage of leading the attempts to obstruct the EU's noble efforts:

In fact, the EU tried to be a bridge builder between G77 and Miami [the Miami Group], even though Miami tried to break that by ... pushing the EU in positions where it claimed that it was actually at an extreme. And not in the middle (Member State respondent)

I think the EU was ... often trying to help find solutions, which ... in the case of ... the producers [the countries producing genetically modified (GM) crops] was quite difficult (Member State respondent)

In my experience, they [the US] have been very negative. A big hindrance. And a completely unconstructive attitude, particularly from, you know, the State Department people who were sent to meetings to disrupt rather than to construct. (Commission respondent)

Hence, EU representatives were less neutral than they asserted. They quite explicitly took sides against the US. They depicted the US not only as *different*, but also as a *threat* to international progress. The EU, on the other hand, was presented as the US's opposite, fighting hard to ensure a multilateral agreement.

However, the EU accused the US not only of working against the protocol. EU respondents also criticised the trade friendliness of the US and linked this attitude to a US lack of commitment to consumer and environmental concerns:

Well, the American position and the Canadian one, that was pure stamocap [state monopoly capitalism]. They simply represented the position of the industry (Commission respondent)

And they [the US] never actually really changed their policy on biotechnology in the sense that you ... do preventive health and consumer protection. I think that is wrong ... and I actually do think that the approach that has been developed in Europe is a very elaborate and good approach (Member State respondent)

You always have the feeling that basically they go there to these international meetings to defend their trade interests. And that's what they do, in fact. They defend trade interests. And that's very different from how the EU works in environmental fora. Because we don't send trade diplomats to negotiations ... certainly trade is not a non-issue for us, but environment constituencies and departments and ministries are much more influential in Europe than in these big agricultural exporting countries (Commission respondent)

I think that they [the US] perceive the EU as ... mainly environmental freaks, so to say. That would negotiate things in a sort of very ideological or absolutist way. And that's I think how they perceived us. (Member State respondent)

As in international climate change politics, the US fit the 'bad guys' category in the context of international negotiations on biosafety. The US was seen to serve financial interests where, at the same time, the EU was trying to reach for higher and nobler goals.

When respondents spoke of the relationship that the US and the EU had with developing countries, they again emphasised the *differences* between the two 'Western powers'. Although the respondents were very open about the contentions between the EU and the Like Minded Group, they nonetheless underlined the basic goodwill of the EU towards developing countries:

I told them [the other EU representatives] that we are creating this protocol for the African countries. We do not need it We want to do something in order to implement the convention [on biodiversity], so that developing countries have leeway to say, do we want the [GM] seeds or do we not want them (Commission respondent)

We were trying hard to bridge with developing countries and in particular Africa. Because you have to see that this whole thing [the protocol] was in fact not needed for Europe ... we had legal instruments and, of course, I mean, if there was an international treaty that would back up our legislation, that ... would be good and so be it. But it was not needed ... the target of the whole exercise ... was to help those countries which had no regulation (Member State respondent)

[On the role of the EU in biosafety negotiations] I think that it was a good and progressive role. ... you do not tell developing countries ... [to] eat the genetically modified stuff in order not to starve. And in this respect, I see that we [the EU] ... do proceed in a manner that surely is more sensitive than that of ... the other big players. Notably Asian countries or the US. (EP respondent)

Respondents thus depicted the EU as working selflessly for the benefit of 'the weak' and for those who lacked the power to implement biosafety regulations themselves. The EU respected the integrity of DCs. It did not force biotechnology on them, but, on the contrary, it enabled them to make their own choices. Respondents believed that this approach set the EU apart from countries such as the US:

During the ratification process, there have been reports of the US blackmailing developing countries, telling them, no, you should not ratify the Cartagena Protocol or ... [this will affect] our development aid etc.. Of course there is no written evidence of this, but we certainly have heard that. Then there were problems also with the US aid ... to some developing countries, because it was grains that contained GMOs and some developing countries in Africa did not want it. (Commission respondent)

Respondents regarded the US as disrespecting developing countries and as abusing their weakness. In the eyes of the respondents, this attitude resulted in a clear-cut

distribution of roles in international biosafety politics. The good and the weak cooperated against the bad:

There were relatively close [EU] relations with the G77 ... as a sort of closing of ranks against those who, especially under the guidance of the US, actually did not want any biosafety negotiations (Member State respondent)

We had a lot of connections and synergies with the G77, in particular African countries. And that crossed a lot the US. And also Canada. Because of course that made the EU very strong against them. They were sort of isolated. (Member State respondent)

In many ways, the EU portrayed itself as the exact opposite and the *better* alternative to the US in the context of the biosafety negotiations. After all, it sought multilateral progress where the US cared only for its own interests; it heeded environmental concerns and the concerns of civil society whereas the US represented big business; and it supported developing countries in their right of self-determination whereas the US tried to undermine this right.

Hence, the US was rendered into a true other to the EU despite the EU's assertions that it merely wanted to act as a mediator between other countries. The US was not only judged as normatively inferior; to a certain extent, it was also perceived as a *threat*, launching direct attacks against the EU.

However, in the eyes of the respondents, these US attacks had unintended side effects. They brought 'the EU' even closer together:

In Cartagena it was already rather clear that the EU was actually quite unified in wanting ... a minimum protocol, and of course [the EU] also wanted it because of the attacks against our legislation and even more against the moratoria³⁷ (Commission respondent)

And I think there was quite a strong collaborative sphere [within the EU] ... which is I suspect not unusual – No, particularly not given that amount of pressure from outside, I think (Dialogue between two Member State respondents on relations within the EU)

³⁷ As is explained in chapter 7, the EU decided at the end of the 1990s to stop the authorisations of GMOs although the EU's legal framework in this area formally remained untouched. This *de facto* moratorium was challenged before the WTO by the US, Canada and Argentina (Lee, 2008: 189).

I think that it [EU cooperation] went more smoothly than otherwise. Because you ... felt exposed to strong attacks from outside That is maybe also interesting from a political science or sociological point of view ... this position of defence which is somehow welding [people] together and where you somehow do ... no longer feel inclined to ... break away. (Member State respondent)

In the light of the hardened fronts between the EU and the US, respondents sometimes considered themselves to be part of a veritable fight between the two camps:

In Cartagena when we failed to reach agreement, Christoph [Bail] was the lead negotiator for the EU We had this extraordinary final session. Where the half dozen or so key players were trying, in vain ... to agree on the outstanding issues ... it was actually in public, virtually ... it was in the middle of the night. Loads of us standing around. It was almost like a boxing match. (Member State respondent)

In the interpretation shared by the respondents, this fight was decided at the COP in Montreal, where the EU managed to isolate the US while convincing developing countries to join the EU's position. Many respondents stressed how much the final protocol matched the EU's expectations. Hence, for many respondents, the history of the protocol negotiations was also a story of EU *success*:

The outcome of this Cartagena Protocol is a pure EU affair ... others with their positions are important, but what is in there is practically *our* position. (Commission respondent, emphasis added)

Conclusion

Telling the tale of the role the EU played in international biosafety politics was something in which the respondents took obvious pleasure. Their accounts largely overlapped and conflated into a story about a brave EU, which was able to surmount internal division and external threat and to achieve its goal through the combined strength, team spirit and skill of its members.

A distinct discursive environment enabled the emergence of such a common EU narrative. First of all, a common inside developed as Member State representatives came to perceive Commission staff no longer as a threat in the context of biosafety

negotiations, but as their peers and combatants. The Commission turned into an established 'member of the gang' which excelled by merit of its expertise. Its otherness, i.e. the fact that it was not a Member State, became a negligible footnote in the end.

In the current situation, some Member States still express sovereignty concerns and others eye the Commission's alleged pro-GMO attitude with suspicion. Yet, the EU Commission and the EU Member States are no longer sharply divided on the international level. Some Member States even favour a strong Commission commitment and advocate Commission mandates in the context of the biosafety negotiations.

Moreover, although EU respondents mentioned that there were differences within the EU, they judged them as largely irrelevant. Instead, they stressed the EU's overall concord in matters of biosafety.

In the past, several signifiers were crucial in stabilising the EU 'inside' – varyingly termed a team, a family, or a unit. Expertise, effectiveness and trust were central to how EU actors perceived themselves *as the EU*. These signifiers were seen in relation to one another, even as necessitating each other. They enabled the EU to paper over internal cracks, for instance by transvaluating areas of contention, such as EU legislation, into areas of success.

Even more importantly, the inside was stabilised through its relation with the outside. In the context of the international negotiations on biosafety, the EU invented itself as a selfless and constructive mediator who had to strive against an obstructive USA. Although the EU claimed to be neutral, it clearly set itself apart from the US and presented itself as the better, normatively more attractive alternative. The US was displayed as everything the EU was not. It was depicted as a threat to both the EU's integrity and to international progress. Against such a stark object of demarcation, an 'ever closer Union' developed almost as a matter of course.

7. THE EU LEVEL

Within the EU, matters were slightly more complicated. Here, green biotechnology politics up until now have mainly revolved around the making and especially the *re-making* of legislation in this field. The legislative history of green biotechnology in the EU is considerable. Even if one restricts the focus to the large-scale dissemination of GMOs³⁸ and derived products in the environment³⁹, one is still confronted with two directives on the deliberate release of GMOs, one regulation on novel food, one regulation on GM food and feed, and a regulation on traceability. Simultaneously or successively, these legal acts and their making dominated the field during the past two decades. Still, it is highly unlikely that the current generation of legislation will be conclusive. Nor is it exhaustive: rules are still pending on the thresholds for GM presence in conventional seeds and there is an enduring debate on the desirability of binding rules for the co-existence of 'conventional' and GM cultivation of crops. The first section of this chapter will give a more detailed overview of the past two decades of legislative agitation in this field of EU politics.

Since many of the legal acts mentioned above implied decisions concerning the distribution of competences between Community level and national level, between EU institutions and Member States, the emergence of conflicts as depicted by conventional EIS could be or could have been expected. However, the second section of this chapter argues that these conflicts were largely absent from EU politics in the field of green biotechnology. Neither were there debates on whether there ought to be Community-wide legislation on green biotechnology; nor have there been structural contentions between EU institutions and Member States during the first or during the second wave of legislation. As will be elucidated in a subsequent section, conflicts erupted alongside other frictions. The field of biotechnology was fundamentally undecided and its dynamics were dominated by the competition between an 'anti' and a 'pro' GM discourse. A following section focuses on how EU actors, within these discourses, positioned themselves towards others and how the discursive dynamics shaped the actors' preferences regarding the distribution of

³⁸ GMOs are currently defined by EU legislation as organisms 'with the exception of human beings, in which the genetic material . . . has been altered in a way that does not occur naturally by mating and/or natural recombination' (Christoforou, 2004: 640).

³⁹ As this study focuses on the field of EU environmental politics, it only takes into account those dimensions of green biotechnology that directly relate to environmental concerns. Other dimensions of green biotechnology such as the contained use of GMOs in laboratories will be omitted.

competences in the EU. The last analytical section underlines that although 'classical' competence struggles did not dominate EU politics in the field of green biotechnology in general, such contentions found a niche in the sub-field of co-existence. In this context, Member State joined forces against Commission 'intrusions' into what they regarded their territory. The chapter ends with a summarising conclusion.

Historical overview

The popularity of biotechnology in the EU has so far undergone a rather erratic development. 'Red' and 'white' biotechnology – i.e. the application of genetically modified organisms for medical or industrial purposes – have become accepted with a certain matter-of-factness (Hervey, 2001: 327). On the contrary, 'green' biotechnology – the application of GMOs to agricultural processes – has so far been a topic of contention throughout the EU (see also Gaskell et al., 2006: 2).⁴⁰

However, when green biotechnology first appeared on the national legislative agendas within the EU, political sensitivity and response in the individual Member States varied. At the end of the 1980s, Member States pursued different approaches concerning the deliberate release of GMOs into the environment. Denmark and Germany enacted a general ban that was subject to exception; other countries such as the UK, France, Belgium, the Netherlands, and Luxembourg opted for a case-by-case approach. In a considerable number of Member States (Ireland, Greece, Italy, Spain, and Portugal), regulations on the deliberate release of GMOs were simply absent (Shaffer & Pollack, 2004: 17).

Against this backdrop, the European Commission put forward a proposal for a general, Community-wide approval procedure. This resulted in the Council directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms ('deliberate release directive', DRD)⁴¹.

⁴⁰ The labels 'green biotechnology' and 'agricultural biotechnology' have both been criticised for being either misleading or inaccurate. Nevertheless, they are used interchangeably in this work, for reasons of simplicity. For a nuanced elaboration on the concept of 'agricultural biotechnology', see Lee, 2008: 11-15.

⁴¹ As is explained in the directive, 'deliberate release' means 'any intentional introduction into the environment of a GMO or a combination of GMOs without provisions for containment ... to limit their

As an introduction of 'GM foods' became increasingly likely in the years that followed, the question arose as to how and under which conditions these products were qualified to be placed on the market. In EU legislation, this issue was first addressed by regulation No 258/97 concerning novel foods and novel food ingredients. This regulation was not GM-specific. Rather, GM foods were treated under this regulation as any other 'novel' product in the pipeline.

The second half of the 1990s witnessed agitation on several levels. To start with, the first harvest of GM soya in the United States reached EU borders; the respective variety had received approval through 90/220/EC. The arrival of GM soya met with widespread and fierce criticism by the consumers and the media alike, even in countries where green biotechnology had hardly been an issue before (see, inter alia, Shaffer & Pollack, 2004: 25). In Germany, Nestle and Unilever tried to prevent consumer boycotts by declaring not to use any GM soya in their products. In France, major supermarket chains assured their customers that GMOs would not be used in their own brands. In 1998, 'Iceland' was the first in a domino-stone row of UK supermarkets to ban GM-products from its shelves.⁴²

On the governmental level, some Member States made use of the safeguard options that the deliberate release directive offered and either banned the cultivation of GMOs or their import. In 1998, Member States and Commission agreed on a *de facto moratorium* for the approval of new varieties. Previously, several Member States had announced not to approve any GMOs until 90/220/EC was thoroughly revised and included comprehensive provisions for the labelling and monitoring of GMOs.

An overhaul of existing legislation was set in motion in the first years of the new millennium. In 2001, EP and Council passed the successor of 90/220/EC, directive 2001/18/EC. It included an extended labelling system; the mandatory monitoring of products; authorisations of GMOs that are limited to a period of ten years; common principles for risk assessment; the publication of both the contents of applications as well as the results of assessments and scientific committee opinions; and an obligatory consultation of committees on matters of human health, the environment or the ethical implications of biotechnology. In 2003, this directive was flanked by a

contact with the general population and the environment' (Council of the European Communities, 1990).

⁴² David Toke notes that 'by the end of 1999 it was difficult to find labelled GM products on supermarket shelves anywhere in the EU' (Toke, 2004: 149).

regulation concerning the traceability and labelling of genetically modified organisms ((EC) No 1830/2003) as well as a distinct regulation on genetically modified feed and food ((EC) No 1829/2003).

Despite this overhaul, contentions on both the application of green biotechnology and on existing EU legislation have persisted to this day. In the second half of the year 2008, the French Presidency reintroduced green biotechnology as an item of the Council agenda. 'New' issues have arisen in this context; especially the problem of co-existence has attracted increasing attention in recent years. Co-existence refers to the question how a parallel cultivation of GM and conventional crops can be warranted. Although parts of the EP and of the Council demand Community legislative action in this field, the Commission has so far preferred a decentralised approach.

Areas of contention?

The communitisation of green biotechnology

As mentioned earlier, there was no Community-wide legislative action in the field of green biotechnology prior to 1990; the issue was dealt with by national frameworks.⁴³ This changed with the first deliberate release directive – green biotechnology turned into a field of Community competence. Respondents depicted a communitarian approach as necessary, sensible and a matter of common assent:

The danger exists that the individual provisions in the Member States diverge from the beginning. Afterwards there is the difficulty to ... bring this back to a common denominator. And here [in the context of green biotechnology], the thought [of the Commission] has surely been ... "we take action from the outset". And that's what they did (Member State respondent)

Everybody agreed that regulating this on the EU-level is a good idea (Member State respondent)

[On the diversity of Member State legislations previous to the first DRD] Apart from the fact that you will possibly get safety problems, it also means a distortion of

⁴³ This notwithstanding, biotechnology had already been on the Community's scientific agenda. For a comprehensive historical overview, see Cantley, 1995.

competition. And in such cases, the Commission usually with good cause makes a proposal, in this case because of both reasons. (EP respondent)

'Moving' the field of green biotechnology to the Community level did not encounter opposition within the EU. Respondents interpreted the Commission's efforts in this context as an understandable urge to harmonise this policy area and not as an attempt to deprive Member States of 'their' competences in this field. Many respondents welcomed the communitisation of green biotechnology, although their opinions on the individual aspects of the first DRD differed considerably. Contentions at that time – and in the decades that followed – mainly emerged between supporters and sceptics of the new technology.

A little paradoxically, communitisation 'fitted' the discursive logic of both groups. The sceptics related communitisation to the notion that GMOs and their risks do not stop at borders (see rapporteur Gerhard Schmid in Europees Parlement, 1989:77). For advocates of the new technology, communitisation ensured that the internal market was cleared from potential trade barriers. Indeed, both of these logics found entry in the whereases of 90/220. The directive states that

living organisms, whether released into the environment in large or small amounts for experimental purposes or as commercial products, may reproduce in the environment and cross national frontiers thereby affecting other Member States; ... the effects of such releases on the environment may be irreversible ... the protection of human health and the environment requires that due attention be given to controlling risks from the deliberate release of genetically modified organisms (GMOs) into the environment

while it argues at the same time that

disparity between the rules which are in effect or in preparation in the Member States concerning the deliberate release into the environment of GMOs may create unequal conditions of competition or barriers to trade in products containing such organisms, thus affecting the functioning of the common market ... it is therefore necessary to approximate the laws of the Member States in this respect. (Council of the European Communities, 1990: 15)

Although supporters and sceptics disagreed substantively on green biotechnology, both of these groups regarded it as an inherently *transboundary* issue. Due to this

partial overlap, Community action was widely seen as a legitimate and sound move forward.

The first generation of legislation

The 'heart' of 90/220 – as well as of most of the subsequent legislative acts on green biotechnology – was the authorisation procedure that it introduced for GMOs. To be more precise, 90/220 introduced two such procedures. Part B of the directive contained a procedure for the 'deliberate release of GMOs into the environment for research and development purposes or for any other purpose than for placing on the market', whereas part C established a procedure for the 'placing on the market of products containing GMOs'.⁴⁴

Although establishing a Community-wide approval procedure for placing a product on the market represented an act of communitisation in itself, 90/220 arguably provided a considerable role for the Member States. The directive required producers to submit their applications to the competent authority of one of the Member States. This competent authority subsequently pronounced a judgement. If its opinion was favourable, the respective Member State forwarded the dossier to the Commission, whose only task was to distribute copies among the remaining Member States. If no Member State raised objections upon receiving the dossier, the application was approved.

Hence, when the Member States agreed, there was hardly any provision for the Commission to take action. Only if one or more Member States objected, would a more complex comitology procedure – 'committee procedure III, variant (a)' – follow. This meant that the Commission put forward an opinion concerning the dossier. In the following step, a regulatory committee was required to do the same. A decision was reached once the committee confirmed the Commission's opinion with a qualified majority. If not, the Council had to bring out its vote. Although the actual wording of the directive states that 'the Council shall act by qualified majority' in that case, 'act' in this context only implied that the Council could *adopt* the Commission proposal by a qualified majority. However, it had to act unanimously to reject it (Francescon, 2001:

⁴⁴ Due to the reasons stated in footnote 37, part B will not be included in the analysis.

313; Lee, forthcoming).⁴⁵ It could thus be argued that the Commission had more potential weight in the comitology procedure – at least formally – than the text of the directive suggests.

Nevertheless, the initial design of the 90/220 approval procedure was not mentioned as an area of contention in either the interviews or the primary literature (EP debates etc.). Apart from scattered incidences, there is no indication that the distribution of competences as laid down in 90/220 provoked conflict.

The few instances of debate were no examples of 'classic' conflicts between EU institutions and EU Member States. The readiness or reluctance with which the players allocated competences to either EU institutions or Member States was inspired neither by 'principled' views on sovereignty nor by a structural eagerness to extend Community competences. Other considerations were far more crucial. To give an example, the EP's environment committee (ENVI), which has often been regarded as the classical ally of the Commission in expanding Community competences in the environmental field (Toke, 2004: 188), opposed an approval procedure that would have given too large a role to the Commission. ENVI argued that it had been confronted with the dilemma that

[a] genuine common standard for the European Community could only be based on a licensing procedure regulated at Community level. The Treaty provides no proper legal basis for this – unless we are willing to confer the relevant powers upon democratically unaccountable committees of experts or upon the Commission, which is beyond adequate parliamentary oversight. (European Parliament, 1989: 28)

Hence, ENVI asserted that it welcomed a far-reaching communitisation of the issue, but that it also expected the regulation of green biotechnology to meet certain *democratic* criteria. The existing procedures provided by the Treaty failed to do so. ENVI, in this case, deemed democracy and European integration to be at odds with one another and the committee made it clear that its priority lay with democracy.

⁴⁵ As Tamara K. Hervey explains, "[t]his interpretation is on the basis of Decision 87/373/EC, [1987] OJ L197/33, which provides, in Article 2, for two "variants" on the "regulatory committee procedure" (procedure III). The procedure under Directive 90/220 was "Variant a", according to which, if the Council has not acted, the proposal is to be adopted by the Commission. "Variant b" provides that this is to be the case "save where the Council has decided against the measures by a simple majority". The implication is that a unanimous vote in Council is required to reject or amend the proposal under "Variant a" (Hervey, 2001: 322).

Overall, discussions on the distribution of competences lacked intensity. This issue was regarded as one of many others, in a piece of legislation that was not controversial:

I don't think ... at least internally, that there were that many tensions [at the time of the first DRD] ... because that was really the beginning [of green biotechnology as a political and legal issue]. And people had still to figure what would be the real impact, what were the risks and so and so forth So I think the matter was still too new ... and very few Member States had an interest in the subject. (Council Secretariat respondent)

As mentioned previously, green biotechnology politics only entered their 'hot phase' in the second half of the 1990s. This phase partially overlapped with the preparation of the regulation on novel food, since it took the EP and the Council five years, from 1992 to 1997, to agree on this legal act. Central bottlenecks did not include the setup of the approval system and there was little discussion on this issue. The 'standard' procedure that was adopted was basically an exact replica of its DRD counterpart (European Parliament and Council of the European Union, 1997: 4, 6).

The novel food regulation received considerable criticism, but not on the grounds that the act excluded Member States or limited their competences. Instead, critics bemoaned that the regulation's labelling provisions were not strict enough or that it provided for a simplified application procedure. Hence, debates were not led in terms of competence struggles, but mostly regarded the strictness of the regulation. Conflicts did not oppose Member States and EU institutions, but occurred *across* the various actors. To give an example, different groups *within* the EP fundamentally disagreed on how strict or soft the new regulation needed to be:

My group ... does not support amendments that want to abolish the simplified procedure ... in the light of the size of industry and the sometimes small changes in products, market approval of all new products by the strict procedure entails unnecessary heavy administrative burdens (MEP Eisma, in Europees Parlement, 1996b)⁴⁶

⁴⁶ This is the author's own translation. The Dutch version, as in the document, reads as follows: 'Mijn fractie ... steunt ... geen amendementen die de lichtere procedure willen afschaffen ... gezien de omvang van de industrie en de soms kleine veranderingen aan producten, brengt het een onnodige zware administratieve last met zich mee om alle producten via de strenge procedure toe te laten op de markt'.

With regard to the intended protection and the desired trust of the consumer, an authorisation procedure needs to be established whereby as many potential risks as possible have to be eliminated. This means that a thorough procedure with adequate risk assessments and safety assessments is in any case necessary. A simple notification procedure does not fulfil these criteria. (Europees Parlement, 1996a: 23)⁴⁷

The introduction of a simplified procedure opposed supporters and sceptics of green biotechnology, i.e. those that deemed green biotechnology a risk and those that deemed it an opportunity. Signifiers such as sovereignty were absent from the debate.

Legislation redux

The first generation of legislation had been negotiated at a time when public attention towards green biotechnology was on the rise, but not an EU-wide phenomenon. However, in the years that followed the first attempted imports of GM crops in late 1996, the salience of the issue considerably increased (Murphy & Levidow, 2006: 2; Patterson, 2000: 318). Pressure to overhaul existing legislation on green biotechnology built up, in particular when six Member States announced that they would not agree with the authorisation of GMOs or GM products, be it for cultivation or import, as long as labelling and traceability provisions had not been tightened.

A frequent argument in academic literature is that EU Member States have the tendency to retain competences in political areas which are of particular importance. In line with this argument, Maria Lee asserts a general 'reluctance of Member States to reduce their control over such a politically sensitive issue' as green biotechnology (Lee, forthcoming). However, during the second generation of legislation in this field, competence debates have been virtually absent and Member States have supported a further communitisation of green biotechnology.

⁴⁷ This is the author's own translation. The Dutch version, as in the document, reads as follows: 'Met het oog op de nagestreefde bescherming en het gewenste vertrouwen van de consument moet er een toelatingsprocedure worden ingesteld, daar potentiële risico's zo veel mogelijk moeten worden uitgesloten. Dit betekent dat een nauwgezette procedure met toereikende risicoevaluaties en veiligheidsbeoordelingen in ieder geval noodzakelijk is. Een eenvoudige kennisgevingsprocedure voldoet niet aan deze eisen'.

At the end of the old and the beginning of the new millennium, the EU witnessed a major overhaul of directives and regulations on green biotechnology. Although this meant that the cards were shuffled anew, governments undertook no visible efforts to move the approval procedures into a more state-centred or -dominated direction.

Admittedly, a shift occurred nevertheless – the new deliberate release directive, 2001/18, enabled Member States to reject a Commission draft more easily, with a qualified majority vote. This, however, was not a change that Member States had requested – at least not in this particular context. Instead, it resulted from a reform of comitology procedures that had been agreed independently (Council of the European Union, 1999; Grabner, Hampel, Lindsey, & Torgersen, 2001: 29). For Member State respondents, this change in comitology rules seemed to be of minor importance; many of them were even unable to remember the actual alterations. At no time did Member State respondents refer to the comitology changes as a strengthening of Member State sovereignty.

With the regulation on genetically modified feed and food (Reg. (EC) No 1829/2003), approval procedures were further centralised. Germany had advocated such a centralisation already during the preparation of directive 2001/18. The basic idea was to take risk assessment out of the hands of Member States and transfer it to the EU level – that is, to the newly founded European Food and Safety Agency (EFSA). This meant that applications were to be scrutinised by EFSA and not, as had previously been the case, by Member State authorities.⁴⁸ Subsequent to and based on EFSA's opinion, the Commission had to draft a proposal that, *in any case*, needed to undergo a comitology procedure.

The idea of a centralisation of procedures was widely welcomed by Member States:

There was quite a consensus about the centralised new procedures, authorisation and assessment. Because almost every Member State agreed that ... the procedures that we got before this regulation were not operational every time. Because there were some differences between Member States. So everyone agreed that it would be better to have a centralised procedure (Member State respondent)

⁴⁸ Under certain circumstances, EFSA is requested or obliged to consult national authorities (Lee, 2008: 67).

Only the French ... were actually rather against that central role. But apart from that, only we protested a little. The trend [among Member States] was actually that it [centralisation] is okay. (Member State respondent)

Respondents interpreted the motivations for such consent differently. Particularly those respondents who had opposed the shift argued that Member States opted for centralisation only for the sake of convenience:

In X [Member State], there was something of a short-term window, where ministers said: We do want centralisation on the EU level. Because then we ourselves won't be taking so much flak nationally ... shortly after, it was seen again that this centralisation is also a fairish curtailment of Member State scope and meanwhile we act again rather critical with regard to centralisation (Member State respondent)

Maybe some ... wanted to push the hot potato off to the Commission and to EFSA. ... people said ... GM risk assessment, we are actually quite happy when we do not have to do it ... many also do not have the resources. (Member State respondent)

These accounts, however, did not correspond with the accounts that were given by those respondents who had been in favour of centralisation:

The point ... was that the procedures got stuck ... and one consideration at that time was ... [that] you have all procedures in one hand and the procedures are not such a long haul ... also on the part of the Member States there was consensus that people said ... we want such a procedure, because then procedures are not such a long haul. (Member State respondent)

Even opponents conceded that the idea to involve a central food authority in the approval procedures was promising

EFSA was indeed designed in a way that one could assume that ... this could work well ... one was confident that EFSA was going to do a good job. (Member State respondent)

Signifiers of effectiveness (connected to centralisation) and expertise (connected to EFSA) are dominant in these accounts and arguments are linked to the conviction that the EU level is better suited to provide both. A similar discursive logic is present in official Commission documents, for example in the explanatory memorandum to the Commission's original proposal for 1829/2003:

In order to streamline and improve the *efficiency* of the current authorisation procedure for genetically modified foods ... the Authority should carry out risk assessments. As envisaged in the proposal for a European Food Authority, the Authority should also carry out risk assessment for genetically modified feed. This will ... ensure a harmonised approach to scientific assessment of genetically modified foods and feed. (Commission of the European Communities, 2001: 6, respondent's own emphasis)

It can be concluded that even if EU actors were divided on many aspects, managerial signifiers managed to create at least a small parcel of common ground in the field of green biotechnology politics.

Admittedly, parts of the EP and the Member States impeded further centralisation. They rejected that applicants should send their dossiers *directly* to EFSA, thereby circumventing the national authorities. This course of action had been envisioned by the Commission's original proposal. In this context, again, a rejection was hardly linked to sovereignty considerations. Other concerns and signifiers dominated the general discussion:

People concentrated on ... labelling [rules] and we [the respondent's group] ... also demanded the labelling of animal products And those were the topics people jumped at. And not on the authorisation, which is simply well regulated (EP respondent)

The reasons why we were against that [that national authorities were 'passed over'], was that ... we said ... if you know who in the Commission is working on these things, you get afraid at the thought [of further centralisation]. Those people cannot decide this. Because they simply lack the know-how to do so. Okay? In the section that was responsible, six people were sitting around. And they had a load of work. They would not have been able to handle the whole thing And we said, we have to include the know-how of the Member States. (EP respondent)

Several conclusions can be drawn from the last few paragraphs. Firstly, up until today green biotechnology has undergone numerous legislative changes. These repeated overhauls have been the visible expressions of a general contestedness and a discursive undecidedness of the field of green biotechnology. Attempts to engender a certain closure or at least a temporary fixation through legislation failed.

Secondly, competences in this area were distributed mainly in the context of approval procedures. The constant making and remaking of legal acts could have provided a forum for protracted competence struggles between EU Member States and institutions. However, this was not the case. The contentious issues and divides of which respondents spoke were neither related to sovereignty considerations nor to competence expansion. Particularly in the context of the regulation on GM food and feed, the Member States, at least in their majority, agreed to a further centralisation of green biotechnology at a time when the general issue of green biotechnology had dramatically increased in what might be termed 'political sensitivity' or 'salience'.

To be sure, the regulation of green biotechnology on the EU level has always been contentious and contested. Critical voices argued against simplified approval procedures or against the exclusion of Member States from the initial phase of the approval procedure. However, this criticism was mostly embedded in discourses in which signifiers such as statehood or sovereignty played only a marginal role.

Discursive dynamics, identity formation, competence distribution

Competing discourses

But which signifiers dominated discourses in the field of green biotechnology politics instead? A comparison with EU climate change politics can provide a first answer. In EU climate change politics, contentions and competing discourses mostly revolved around the question of how to tackle climate change. Yet, there was a shared understanding that climate change was a problem in the first place. Hence, there was a basic discursive fixation of EU climate change politics. Policymakers shared a common ground despite the remaining differences.

Even today, such a common ground is absent in EU politics in the field of green biotechnology. This is an area where discourses are competing for hegemony at a more fundamental level. An end (read: closure) of this undecidedness is currently not in sight.

In the field of green biotechnology, discourses have so far differed on the basic question of whether green biotechnology needs to be seen as a problem. In the past,

the answer to this question divided the field into green biotechnology supporters and green biotechnology sceptics.

The positions policymakers took on green biotechnology were embedded in discursive cobwebs of signifiers. These cobwebs widely structured how actors perceived others and themselves. To give an example, in the literature and in the interviews, being 'pro-GM' was often linked to being *business friendly*, whereas being 'anti-GM' was often associated with being *environment-minded*.

In their totality and interconnectedness, these signifiers added up to two juxtaposed discourses that were fairly stable. These discourses were crucial in providing all actors with screens for identification and yardsticks for meaning making.

Although discourses are ever-changing, the following paragraphs try to highlight the dominant signifiers and logics of the discourses competing in the field of EU green biotechnology politics. In the case of what will be termed the pro-GM discourse, the new biotechnology was seen as an opportunity. 'Risk' had no preponderant position in this discourse. GMOs were not deemed to be more dangerous than other organisms, nor to be less natural or normal. Risks had not been scientifically proven; hence, the organisms were safe and there was no rational reason to forsake the possibilities of scientific and economic progress which were linked to green biotechnology. Opponents – the 'outside' – were unscientific and irrational; their arguments were emotional, political, or outright opportunist. This is echoed by the following statements:

We must ... get rid of the whole unscientific mentality surrounding this issue. We must not allow fundamentalist political ideas to hide behind the cloak of ethical objections (MEP Valverde López, in European Parliament, 1999)

Nevertheless, all unnecessary and disproportionately hard requirements have to be avoided ... which could endanger ... the renewal and the economic and social development, especially in the area of biotechnology where European science and technology are pioneers (MEP Carvalho Cardoso, in Europees Parlement, 1989)⁴⁹

⁴⁹ This is the author's own translation. The Dutch version, as in the document, reads as follows: 'Desalniettemin moeten alle onnodige en overdreven zware eisen ... die de vernieuwing en de economische en sociale ontwikkeling, met name op het vlak van de biotechnologie, waarin de Europese wetenschap en technologie een voortrekkersrol spelen, in gevaar kunnen brengen ... worden vermeden'.

Over recent years ... public discussion has not been about the pros and cons of genetic engineering, but has instead been a campaign mounted along ideological lines, aimed at obstructing a modern and forward-looking technology (MEP Schnellhardt, in European Parliament, 2003a)

Today we are in a situation where, seen from a scientific point of view, protection is certainly very much disproportionate (Member State respondent)

It is true that there are ... discussions on the safety of biotechnology, but actually, in the light of all objective data, one has to say that it [biotechnology] has proven itself, it is under control (Member State respondent)

I think our position essentially was always ... based on evidence and science, that we think there should be rules, but ... that they should be related to safety. If the product meets the safety rules then it should be authorised (Member State respondent)

The Netherlands ... have always remained stable on the same path. This [the deliberate release directive] is a directive for the approval of products. It is based on scientific assessment. If scientific assessment indicates that ... no risks are expected, then simply go ahead. (Member State respondent)

Rationality and science were key signifiers in the pro-GM discourse. Science was linked to reliability and certainty; as there had not been any conclusive scientific proof that green biotechnology was inherently more risky than conventional methods of plant breeding, it followed that green biotechnology did not pose any problems. The fact that sceptics disregarded these objective findings placed the latter on the outside. This outside was beyond rationality. It was a shadowy area of irrational, progress-threatening obscurantism.

Science was also present in the anti-GM discourse. However, in this context, science was interpreted very differently:

[S]cientific uncertainty about the nature and extent of the risks is increasing (MEP Lannoyé, in European Parliament, 2003a)

This is a technology whose risk affliction we do not know yet ... not the internal market and its establishment must be in the front, but ... the avoidance of risks (EP respondent)

[There is] a certain remaining risk ... and you should not accept this [risk] if the only beneficiary is America's big industry. (Member State respondent)

In the anti-GM discourse, science was linked to signifiers such as uncertainty and risk. Scientific findings had *not* been able to eliminate uncertainty. Green biotechnology still posed risks – for consumers, (small) farmers, or the environment. Supporters of the technology formed a normative outside. They allowed things and persons that ought to be protected to be placed in danger, they did not accept the democratically legitimate objections of GM critics, and they were driven by either economic profit or a naïve belief in progress.

The signifiers which dominated the pro-GM discourse and its anti-GM counterpart partially overlapped. However, these signifiers were enmeshed in different systems of meaning making. Hence, the meaning that was 'attached' to them varied from one discourse to the other. In the anti-GM discourse, science lost the status as a panacea and moment of closure (which it had in the pro-GM discourse). Business was not considered to increase the profit and welfare of all, but instead it was linked to the greed of few.

Loyalties and divides

The pro-/anti-GM divide was most visible between Member States. Entire countries were classified as 'pro' or 'anti' GM. Member States in the context of green biotechnology politics were not seen in terms of equivalence (as one group of Member States), but in terms of difference (as the group of pro-GM Member States and the group of anti-GM Member States):

There are simply fundamentally different attitudes in the Member States (Member State respondent)

A number of Member States ... were mostly concerned about let's say the green dimensions ... a few Member States ... were more concerned with the industry dimension, that is, it is industry where the EU could take the lead or at least develop significantly (Council Secretariat respondent)

The Member States were totally at odds with one another ... you had moratorium countries and non-moratorium countries (Commission respondent)

The Council was divided into two camps (Member State respondent)

You had one group [of Member States] against the other group, you see? You had one group which thought that they protected Europe's safety with a moratorium and there was another group that found that the five [moratorium] countries⁵⁰, for political reasons, simply made tabula rasa with everything that had scientifically been proven to be safe. (Member State respondent)

Respondents described Member States as two opposing groups, as two antipodes. They were usually quite clear about their own position in this division. Linguistically, they referred to the rift between the countries in rather drastic terms (totally, fundamentally). They employed us-and-them classifications and sometimes interpreted green biotechnology politics in terms of warfare:

In earlier times, we had much more allies The opposite camp has grown much bigger. (Member State respondent)

However, the divide was not limited to the Member States. Rifts also ran through the EP, its fractions and its committees. To give an example, during the debate on the traceability regulation (which was to complement both 2001/18 and 1829/2003), ENVI members complained that the statement made by 'their' rapporteur did not echo the opinion of the committee, but his own. On the same occasion, the draftsman for the Committee on Industry, External Trade, Research and Energy emphasised that his committee

was divided into two, with those in the minority able to see, to their immense satisfaction, the Committee on the Environment, Public Health and Consumer Policy represent their position more closely than the opinion of their own Committee. (European Parliament, 2002)

During the preparation of regulation 1829/2003, the EP was split into the conservative group and the rest:

We had one line, representatives of my group with few British exceptions. We had the Greens, the Communists, the Liberals on our side in many areas. And then the European People's Party was this big block at that time ... [they] accused us of sitting in an ivory tower ... of having no clue, of demanding things that are not feasible etc. etc. etc. [They were] against all consumer-friendly claims The biggest victory

⁵⁰ These five countries were: Greece, France, Denmark, Italy, and Luxemburg.

was to fend off that attack of the ... People's Party in Parliament. Which simply wanted to massively weaken the Commission proposal. (EP respondent)

The fact that rifts did not heed the borders of institutional affiliation enabled the development of cross-institutional loyalties. Thus, it so happened that parts of Parliament 'defended' the Commission and its proposal against other MEPs. However, it must be mentioned that the collaboration between the Commission and the EP – or rather, between *parts* of the Commission and *parts* of the EP – was not as intense as in early phases of EU climate change politics (see chapter 5).

In EU green biotechnology politics, how actors perceived others and how actors positioned themselves towards others was structured largely within the dynamics of the two competing discourses. To give an example, respondents frequently referred to themselves or to others as 'pro' or 'anti' GM. They clearly indicated who took which side, who was 'with them' and who was not.

Although some actors tried to claim a middle ground between the two discourses, this was impossible in practice. Especially Commission respondents tried to present themselves as a balancing, mediating element:

I believe ... the position of the Commission is, I would say, rather balanced and this balance comes from a balance or an equilibrium of interests. Which are the interests of different stakeholders, companies, consumers, Member States and so on I would say that there is ... no a priori position in the Commission. (Commission respondent)

However, non-Commission respondents classified the Commission as clearly 'pro-GM'. Consequently, GM supporters considered the Commission to be on their side. They regarded the Commission as a bastion of ratio against the arbitrariness and populism of (anti-GM) Member States and as a warrantor of functioning and effective approval procedures:

One ... feels sorry for the Commission. All these political emotions that are latently there [on the side of 'GM sceptics'] ... they have to try and balance them, you see? This moratorium that allegedly no longer exists, it only no longer exists because the Commission holds the company together (Member State respondent)

I think on food and feed stuff, I think we were fairly close with the Commission I think we were fairly close. In saying that you got to do what's practical and what's based on science (Member State respondent)

The Commission follows more of a scientific-practical impetus (Member State respondent)

We thus saw that the Member States ... were hopelessly at odds with one another and were quarrelling and nothing [no approval request] passed any more In earlier times I always got very nervous when the Commission started to interfere. Now it is good that the Commission does things, because otherwise everything would come to a halt. (Member State respondent)

For similar reasons, GM supporters embraced EFSA. In their eyes, EFSA produced objective and reliable results based on neutral science:

EFSA is ... doing solid work, okay? EFSA is doing very good, scientific, solid work. (Member State respondent)

However, GM sceptics judged both the Commission and EFSA very differently:

I do think that, in principle, the Commission ... would like to see biotechnology as a sector in agriculture ... realised to a certain extent I think that ... economic interests are still somewhat of a unifying factor, also on the side of the Commission (Member State respondent)

The Commission is a liberal, right-wing institution. Had close links with the operators. And therefore were pushing for free market ... they were certainly pushing for placing products on the market and ... they were backed by the industry. Which always wanted the Commission to handle these products, not the Member States (Member State respondent)

We do have the impression that EFSA is manned by scientists of whom you cannot say that they are partisan or that they are under the direct influence of a biotechnology company, but that yet they themselves have interests not to amputate their own scientific areas. And they are believers in science or in progress (Member State respondent)

When one takes a first look from the outside, at who is in there [in EFSA], and at the management board, too ... the German representative is basically a representative of the German food industry. I don't want to comment on this any further now, but ...

when it is said that it is ... a concluding scientific verdict that is to be returned on certain things, then this is indeed a bit surprising. (Member State respondent)

Hence, in the perception of 'GM sceptic' respondents, both Commission and EFSA did *not* act on the basis of objective criteria and data. Instead, business or research interests drove these institutions. Like all scientists, EFSA scientists could not be trusted. They purely served their own advantage.

Competence distribution

The competing discourses did not only dominate how actors positioned themselves towards others. They also underlay decisions about the distribution of competences in this field. As, for instance, GM supporting countries deemed EFSA and the Commission to be on their side, they had little difficulty with the centralisation of green biotechnology as a policy area. Supporters welcomed a major role for either of the two institutions:

[On comitology impasses under the new legislation] The Commission can decide So now we have again products coming to the market ... we think it's good. (Member State respondent)

Not all Member State governments were monolithically pro- or anti-GM. Sometimes, the pro-/anti-GM divide ran between or even through ministries. Hence, there were disagreements within Member States on how to allocate competences in the context of approval procedures:

The interesting thing is also that, well, in my impression, today it is rather the research and innovation politicians [in the respondent's Member State] who push for a further, stronger centralisation of approval procedures ... thinking that this is a bit further away from politics (Member State respondent)

The people in X [the research ministry of a Member State] of course, which you could subsume under the group of biotechnology proponents ... would prefer that everything works on a technical level, because they assume that somehow there would be more approvals then and a less critical assessment. And ... biotechnology critics say of course, no no no ... this is political and those are crucial decisions, because they imagine that when ... there are fewer scientists involved, but more

politicians, that they then have a bigger chance, that is, that the EU in total adopts a more critical attitude. (Member State respondent)

It can be concluded that the discursive dynamics in EU green biotechnology politics make it almost impossible to speak of 'the EP' or 'the Member States' in this context. Moreover, with regard to the distribution of competences, these dynamics produced constellations that drastically differed from what conventional EIS suggests. The most obvious example for this mismatch is the issue of co-existence.

From early on, the question of how conventional and GM agriculture could possibly co-exist was present in the debates on green biotechnology. How was one to avoid the accidental mixing of 'conventional' and 'GM' in the course of cultivation, harvest, transport, storage, and processing? Especially during the second reading of regulation 1829/2003 in the EP, the issue became more prominent and manifest. Pushed by 'GM sceptic' MEPs in particular, an amendment on co-existence was inserted into directive 2001/18 *via* Article 43 of regulation 1829/2009.

This amendment, entitled 'Measures to avoid the unintended presence of GMOs', explicitly enabled Member States to 'take appropriate measures to avoid the unintended presence of GMOs in other products'. In addition, it asked the Commission to

gather and coordinate information based on studies at Community and national level, observe the developments regarding co-existence in the Member States and, on the basis of the information and observations, develop guidelines on the co-existence of genetically modified, conventional and organic crops. (European Parliament and Council of the European Union, 2003: 20f)

GM-critical parts of the EP were eager to invest the Member States with the rights to ensure co-existence on 'their' territory. MEPs feared that, without these rights, the Commission might reject Member State measures to keep conventional and GM agriculture separated:

There was a big interest certainly on the side of the Greens and the Socialist group that ... the Member States get such possibilities ... without Article 26a [the amendment in 2001/18], the Commission would have acted much stricter against co-existence legislation ... it would have said that in this area, an exhaustive scheme of regulation has been established. And that therefore there was no space for co-existence measures on the Member State level With Article 26a ... the leeway of

Member States to become active in the area of co-existence has certainly grown.
(Member State respondent)

In contrast to what conventional EIS assumes, MEPs ardently advocated additional Member State competences in the context of co-existence whereas Member States themselves often were lukewarm to the idea at best. Yet, as the statement of the rapporteur for 1829/2003 underlines, parliamentarians had other goals in mind than to safeguard or to restore Member State 'sovereignty':

At second reading, I have focused on the issue of co-existence, which clearly affects how we are going to retain different forms of agriculture in Europe in the future, but [which] is also directly related to consumer choice. I wanted European legislation to be logical; if genetically modified organisms are authorised centrally then the rules for co-existence should also be laid down centrally. There was no majority in favour of this ...

Through this compromise we give the Member States the possibility of taking appropriate measures to guarantee co-existence and thus also freedom of choice for consumers in the future. As a member of the European Parliament, I would obviously have liked the Member States to be placed under an obligation to do this. Unfortunately, the short time available meant that it was not possible to negotiate this. I believe, though, that this compromise does put the onus on the Member States not just to sit back and point the finger at Brussels where this important issue is concerned, but also to fulfil their own responsibility in this respect and to protect consumers' freedom of choice. (MEP Scheele, in European Parliament, 2003a)

Hence, for MEPs that supported the amendment, conferring competences to Member States was only a means to an end. Large parts of the EP would even have preferred to *bind* Member States to Community-wide rules for separating GM and conventional agriculture.⁵¹

The position of DG Agriculture, which 'represents' the Commission in the context of co-existence, is equally at odds with assumptions of conventional EIS. Up until now, the DG has worked on the task it was given by Article 43, which is to develop co-existence guidelines. A respective recommendation was adopted in July 2003. However, DG Agriculture has so far decidedly refrained from advocating binding EU

⁵¹ To push such binding rules was also the intention of EP resolution 2003/2098(INI).

legislation. Instead, the DG has emphasised Member State autonomy and subsidiarity:

Regarding the request for uniform and binding rules for co-existence at Community level, we are not convinced that this would be a feasible solution Scientists have repeatedly supported the subsidiarity-based approach Member States also increasingly see this as the appropriate way forward ... co-existence cannot be a reason to further delay the authorisation of new GMOs. I do not share the opinion ... that Member States should be obliged to put in place legislation to ensure co-existence. On the contrary, we should leave it up to them to explore the use of different policy instruments (A representative of DG Agriculture, in European Parliament, 2003b)

What is an efficient and cost-effective best practice is specific to national and regional or local conditions. This makes an EU-wide 'one-size-fits-all' approach unworkable (Franz Fischler, former Commissioner for Agriculture, Rural Development and Fisheries, in European Commission, 2003)

If we hurried into applying a new, harmonised approach ... in the case of co-existence problems, the legal implications would be enormous Overall, then: at this stage, harmonisation of whatever kind would probably be a blunt instrument. For the time being, only Member States can do the detailed and delicate work required to make co-existence a reality. (Marianne Fischer Boel, successor of Franz Fischler, in European Commission, 2006)

In the context of co-existence, EU actors repeatedly acted in contradiction to what would have been expected by conventional EIS. 'The EP' argued for more Member State competences; 'the Commission' insisted on Member State autonomy. Member States themselves, however, remained remarkably silent.

Signifiers such as 'autonomy' or 'sovereignty' were not absent in the context of co-existence, yet they were not dominant either. As emerges from the statements above, DG Agriculture's main concern was to keep legislation in the area of green biotechnology effective. *To this end*, DG gladly forewent further Community competences. Likewise, when MEPs promoted Member State competences in matters of co-existence, they had other, 'higher' aims in mind. Hence, in the context of co-existence, state autonomy and sovereignty were not ends in themselves, but by-passes on the route to other goals.

Defending sovereign territory

Judging from what has been said so far, EU green biotechnology politics is a curious case when seen from the perspective of conventional EIS. In the past, questions of competence distribution and institutional affiliation were of no major concern and when they did emerge, they were dominated by the dynamics of the two competing discourses in the field. Signifiers such as sovereignty were either absent or subordinate to signifiers that were more dominant.

This, to be sure, was not the case for EU green biotechnology politics as a whole. Even in this field, a parcel existed where Member States perceived each other as peers and the Commission as an outside intruder; where Member States swung the flag of statehood and sovereignty; where 'pro-GM' or 'anti-GM' did not matter. This parcel was the domain of the safeguard clauses.

Safeguard clauses enable Member States to ban a GM organism or a GM product nationally from cultivation or import. Member States invoked these clauses both before and after the moratorium. To this end, countries either referred to Article 16 of directive 90/220 or, later on, to Article 23 of 2001/18.

Article 23 imposes higher requirements on Member States to justify their bans than its predecessor did. Previously, Member States 'only' needed to provide 'justifiable reasons to consider that a product ... constitutes a risk to human health or the environment' (Council of the European Communities, 1990: 20). Since 2001, a ban is acceptable when

a Member State, as a result of new or additional information made available since the date of the consent and affecting the environmental risk assessment or reassessment of existing information on the basis of new or additional scientific knowledge, has detailed grounds for considering that a GMO as or in a product ... constitutes a risk to human health or the environment. (European Parliament and Council of the European Union, 2001: 14)

As Member States are obliged under 2001/18 to present information that is either new or additional to current knowledge, the hurdle they need to overcome is arguably higher than the one posed by the first DRD.

In the past, EFSA and the Commission in most cases rejected the 'evidence' which Member States put forward to justify their bans. The Commission asked the

respective Member States to lift the bans. If a Member State refused, 'the EU' had to decide on the ban. This meant that a comitology procedure was initiated which, as far as its institutional design was concerned, resembled the procedure for the authorisation of a GM organism or a GM product.

In practically all of the authorisation procedures that took place, Member States were unable to arrive at a common decision. They never reached a qualified majority for or against the Commission proposal. Hence, the Commission took the final decisions. However, comitology procedures concerning safeguard clauses followed a different logic. In all instances, the Commission was confronted with a large majority of Member States voting 'in favour of' the state that had invoked the clause. Bans, therefore, were not lifted.

This meant that, sometimes, Member States advocated the EU-wide approval of a GM organism or a GM product on the grounds that it was safe, but at the same time supported the ban of this organism or product by a Member State which claimed that safety was not given.

Whereas directive 2001/18 provides legal indications as to when a ban is justified, it seems that the comitology decisions of many Member States were guided by other criteria. According to respondents, even Member States that were not opposed to green biotechnology, and supported authorisations in principle, felt that other Member States should be able to invoke bans if they felt inclined to do so:

There was ... a vote on [the authorisation of] this blue carnation and there were ... Member States which voted for the authorisation of this carnation, but then ... voted against the lift of the Hungarian safeguard clause (Member State respondent)

I think that ... in this case you can bring a whole bunch of Member States on board ... which actually have a problem that somehow the autonomy of Member States is questioned. And they simply take the position, regardless of whether they ... think that what [a Member State] does is correct ... "we don't want the Commission to ... bully an individual Member State in that manner and to say, you ... have to take back your safeguard clause". And in that case, Member States go along of which you otherwise would not expect that. And which otherwise ... in the case of an authorisation would not vote against the authorisation (Member State respondent)

[Member States support bans] maybe simply as a matter of principle, because they say, Member States should have the right to have their own opinion and to enforce it

... . That is not only an assumption, it is also what I hear ... so this Member States solidarity does exist (Member State respondent)

We think it's a right of the Member State if he [sic] has concerns about a specific GMO to take a safeguard measure. We didn't want to agree with the Commission to ask the Member State to stop this kind of measure. So it was more like an agreement between the Member States to say: the regulation allows Member States to take this kind of measure ... it was ... at least in X [the respondent's country] not an agreement on the specific measure, it was more on the general principle to allow Member States to take some measures. (Member State respondent)

As absent as signifiers such as statehood and sovereignty were in wide parts of EU green biotechnology politics – in matters related to the safeguard clause, these signifiers still did their work of 'gluing' Member States to a group of peers which formed a common inside. It seemed as if the major differences that divided the Member States in other contexts of green biotechnology had disappeared.

The Commission was perceived as the threatening outside. The collective imperative of the Member States was to avert its attacks and attempts to invade their realm. As Member States regarded themselves as a tight-knit community in the context of safeguard clauses, they interpreted an attack on one of them as an attack on all. When the Commission attempted to lift a ban, this was seen as a transgression into the collective sphere of the Member States:

The Commission proposal [to lift bans] prevails against the explicit will of one Member State and that is something that has to give us pause for thought. (The Portuguese Environment Minister, Francisco Nunes Correia, cited in Euractiv, 2008a)

Although 'statehood' and 'sovereignty' were dominant in this context, they did not structure meaning making entirely. Some Member State representatives expressed their strong disapproval for the solidarity most Member States demonstrated when it came to safeguard clauses:

[Commenting the Austrian ban, and Germany's decision to support it] Germany has ... solidarised with the wrongdoers I think that is wrong. In my opinion, it is not only wrong, but also contrary to law ... you are only allowed to do that [invoke the safeguard clause], if there are factual reasons for it ... these measures would have had to be lifted, just as the Commission proposed (Member State respondent)

It contradicts, I think ... a bit the European idea ... that you actually want to have harmonised regulations in the EU. And so when there is a majority for certain regulations, then I as a Member State have to comply, even if that hurts or even if I do not want that. (Member State respondent)

Hence, although the statehood/sovereignty discourse became hegemonial in the context of safeguard clauses, it failed to integrate all Member States or, rather, all Member State representatives. Outright GM supporters in particular opposed this manifestation of Member State solidarity.

In this context, consequently, GM 'supporters' almost coincidentally found themselves on the Commission or Community side. As a result, the Commission was supported in its attempt to lift the bans by EU countries that, under other circumstances, were not considered the natural allies of the Commission. Maybe the least likely 'supporter' was the United Kingdom. It belonged to the small circle of countries which repeatedly argued and voted for a lift of the bans and thus, in the dominant discursive logic, spoke out *against* Member State autonomy.

Conclusion

EU green biotechnology exemplifies a policy field that in the past was dominated by signifiers and discursive logics different from those that are commonly expected. In this field, signifiers that are widely seen as central in EU politics were virtually meaningless, in the double sense that they, first, were of little relevance and, second, had no capacity to structure meaning.

In this area, state 'autonomy' or 'sovereignty' almost drowned in a discursive field that was still fundamentally 'undecided' and therefore was dominated not by a singular hegemonic discourse, but by the competition between two discourses which aspired to hegemony. As state-related signifiers had no central position in either of these discourses, competence struggles either were of minor importance or were structured by the dynamics of the competing discourses. Institutional affiliation lost its defining moment of who was equivalent or different, who was part of the inside and who was part of the outside. Instead, identity was formed in terms of 'pro' or 'anti GM'.

Nevertheless, even in green biotechnology, state-related signifiers managed to find a niche. Statehood and sovereignty became the undisputed key signifiers of the hegemonic discourse in the context of safeguard clauses. In this discursive enclave, Member States still felt that they formed a tight-knit brotherhood, standing as it were as a bulwark against Commission intrusion and the endangerment of 'state values' (autonomy, self-determination). The differences between GM supporting and GM sceptic Member States – which otherwise were dominant and defining in EU green biotechnology politics – were negated by Member State equivalence and solidarity.

PART IV Final analysis

8. CASES, COMPARISON, CONCLUSION

In 1992, Jacques Derrida contended that '[s]omething unique is afoot in Europe, in what is still called Europe, even if we no longer know very well *what* or *who* goes by this name. Indeed, to what concept, to what real individual, to what singular entity should this name be assigned today?' (Derrida, 1992: 5).

Almost two decades have passed since Derrida made this statement, and many would assert that the world today fundamentally differs from the world then. Yet, it can be argued that we have hardly grown any wiser as far as the EU is concerned. We are still puzzled by '*what* or *who* goes by this name', and the odds are small that this will change in the near future. After all, we are still undecided about what goes by the name of 'The Netherlands' or 'The UK', concepts that have been with us for far longer.

As this research is based on an anti-essentialist ontology, it does not engage in efforts to uncover Europe's true nature. Still, it does try to deepen our understanding of how the EU presents itself to us today. To do so, discourse theory has been used as a path leading out of the seeming cul-de-sac in which research on European integration – especially what has been called 'conventional' EIS – had been stuck in.

To develop a more comprehensive understanding of the relations between EU institutions and EU Member States, this work focused on an 'everyday' field of EU politics: environmental politics. Up until today, environmental politics sometimes has and sometimes has not been in the centre of political attention. It is one of many domains in which the 'normal' mode of EU decision-making (co-decision) applies. Environmental politics, however, does not stop at EU borders; rather, the EU has become a party to myriad MEAs on the international level. On both the national and international levels, issues have been at times highly neuralgic, and fierce controversies between EU actors have been sparked off.

These characteristics surely pertain to both of the cases chosen for analysis: (EU) climate change politics and green biotechnology politics. The intention in studying these cases was to problematise meaning making and identity formation among EU policymakers in these fields, rather than to take them for granted. In the following sections, 'findings' for each case will first be briefly summarised. It will then be

discussed to what extent this analysis leaves us with something of an 'added value' – or, to refer to the beginning of this chapter—to what extent, if at all, this analysis has made us any wiser when it comes to this crazy thing called the EU.

Climate change politics

The international level

In the view of conventional EIS, state-related signifiers – such as state, statehood, sovereignty, state autonomy – dominate EU politics. Conventional EIS assumes that being a state or not is central to both identity forming and meaning making in the EU. It divides EU actors into states and non-states, such as the Commission, the EP, or the ECJ. The latter's interests are said to *necessarily* differ from and conflict with state interests. 'Consequently', the relationship between states and non-states in the EU is overshadowed by struggles over competences that 'used to be those of the states'.

In the course of this research, a more nuanced and less monochromatic picture emerged. Looking at the last two decades of EU politics on climate change, for example, many instances stand out in which the 'statehood' logic has been subjected to destabilisation and/or marginalisation by other discursive logics. These offer alternative ways of meaning making and identity formation. To trace and understand these processes, however, a long term view is needed, as the analysis of singular 'snapshots' risks jumping to conclusions. International climate change politics is a telling example in this respect.

For a long time, 'conventional' interpretations seemed to be able to account for the relationship between the Member States and the Community/Commission on the international level. The European Community had become a party to the UNFCCC, just as singular Member States had. Yet, 'the EU' remained 'states-driven', and Member States pursued their own 'state interest' at least as much as any alleged EU interest. Coordination and representation were the major task of the rotating Presidency. The troika, representing the EU in high-level talks, was composed exclusively of Member States until 2001.

Member States seemingly repelled any kind of Commission 'intrusion' into their international territory. In short, they were unwilling to renounce competences that

were theirs 'by tradition'. This interpretation is supported by the interviews conducted for this research, as Member State respondents both overwhelmingly and emphatically rejected a potential Commission mandate. In this context, they also regarded the Commission as threatening their integrity. Considering this, it seems legitimate to infer that competence struggles between Commission and Member States in the field of climate change politics simply expanded to the international level and continued to prosper there.

In contrast to this conclusion, this study asserts that by narrowing the focus of analysis and by reducing EU climate change politics on the international level to its formal-institutional aspects (such as the mandate question), the complete picture is missed. Firstly, such an analytical abridgement neglects that some of the Member State respondents accepted the *legal* legitimacy of potential future mandate claims by the Commission. Not all Member States respondents linked mandate claims to illegitimate and malicious attempts by the Commission to expand its powers to the detriment of the Member States.

Secondly, and more fundamentally, the concentration on the statehood signifier in analyses of the EU on the international level suggests solidarity and *equivalence* between the EU countries, but simultaneously diverts attention from the cracks *within* the Member State 'community'. In the case of international climate change politics, the fact that Member States more often than not thought of each other in terms of differences (between big-small, leader-laggard) considerably impacted 'real politics'. The events at COP-6 in The Hague were the most visible eruption of the conflicts that had smouldered under the surface of Member State concord.

Thirdly, the focus on the formal status-quo tends to conceal changes that have occurred not only on a formal, but also on an *informal* level. In fact, many Member States were and are unhappy that the rotating Presidency, as a mechanism for coordination and presentation, relies on the principle of statehood, thereby neglecting criteria of qualification. In the aftermath of COP-6, a mounting number of Member States have put aside their 'own interest' for the benefit of EU prosperity and success on the international level, while the rotating Presidency has been increasingly criticised for endangering the output of the EU as a whole. To improve this situation, Member States have agreed to institutional changes that would most likely be seen as major sovereignty/autonomy concessions in conventional literature. On a formal level, room has been made in the troika for the Commission. On somewhat more

informal terrain, the system of issue leaders and lead negotiators has factually ended Presidency primacy in the context of EU coordination and representation.

This new system can be considered illustrative of the crucial discursive changes that have occurred in EU climate change politics on the international level. 'EU performance' has come to dominate the discursive field, and with it, 'managerial' signifiers such as effectiveness or expertise have gained key positions. Statehood, in contrast, has strikingly 'degenerated', and has lost much of its former structuring power. In the system of issue leaders and lead negotiators, for instance, candidates are mainly selected regardless of their institutional affiliation. At the same time, the 'managerial' signifiers have given the new discourse a certain 'apolitical' air. Competence distribution is no longer predominantly seen in terms of political struggles, but in terms of enhancing efficiency and output. Commission staff are regarded as particularly qualified combatants and not as power-obsessed adversaries. Consequently, the Commission has been able to assume functions that would, under other auspices, have triggered major controversies.

The rise of 'EU performance' to a key signifier in this domain has effectively stabilised relations within the EU on the international level. Firstly, 'EU performance' presupposes a common goal, thereby creating concord ('equivalence') between EU actors. It is also supported by signifiers that are central in dominant discourses beyond the field of EU politics. Efficiency, output, or skills, for instance, are prominent signifiers of 'grand' discourses or collective imaginaries that commonly go by names such as New Public Management or Neoliberalism. The acceptance of these signifiers in the context of climate change politics is intrinsically linked to their success within these wider systems of meaning. Often, these signifiers create acceptance by their pure naming regardless of the definite policy measures that are adopted in the end.

That said, it is most striking that 'EU' and 'performance' have increasingly been thought of as symbiotic. As Louise van Schaik notes 'only a small number of case studies have systematically analysed the EU's effectiveness or performance in international negotiations and have related it back to its institutional setup' (Van Schaik, 2009). Nonetheless, the common assumption in both policy-making and academic circles is that a definite commitment to unity is obligatory if the EU as an actor is to achieve anything in international climate change negotiations:

The fragmentation of the EC institutions ... has apparently ... negatively affected EC foreign policy and negotiating behavior in the international arena. More precisely, the

EC has been unable to negotiate as a “fully” unitary actor and has been less effective in climate negotiations than in, for example, international trade negotiations. (Ringius, 1999: 6)

This is true even beyond the field of environmental politics. Katie Verlin Laatikainen and Karen E. Smith, for instance, depict EU effectiveness *in general* as depending on two conditions:

Do the Member States want to act collectively ... can they reach agreement on positions, policies, statements, etc., and is there therefore EU “output”? We label this dimension “internal effectiveness” ... does it [the EU] achieve its objectives, does it influence other actors ... is it seen to be a unitary and influential actor? We label this dimension “external effectiveness”, and argue that it depends in the first place on internal effectiveness. (Laatikainen & Smith, 2006: 10)

As emerges from the interviews, the commitment to unity for the sake of effectiveness is something that most EU actors in international climate change politics have internalised. ‘EU performance’ has managed to appeal to the sense of responsibility of the majority of EU actors. Thinking of unity and performance in relation to one another has had a disciplining effect within the EU or, at least, within its group of negotiators. Furthermore, the dominant assumption among EU actors has increasingly been that they are not alone in working for the ‘collective good’ of the EU, but that everybody within the Union is doing their share. Goodwill and a sense of collaboration have widely and clearly replaced the earlier distrust.

However, the EU could never have integrated as radically as it has had it lacked the stark ‘outside’ from which it was able to demarcate itself in the past. The last eight years have provided the EU with the unique possibility of forming an identity *against* and in juxtaposition to the US. Previously, the EU’s identification process was confronted with many more complexities, especially under the Clinton administration. During that period, it was hard to create a shared EU inside *opposed to* the US because many saw the US as a liberal partner and not as an adversary.

Whereas the Clinton years had a destabilising influence on the EU inside, the Bush Jr. administration and its decision to withdraw the US from the UN process created the perfect ‘other’. The EU joined ranks, and with it the UK, which was previously considered an ‘outside within the inside’, and a country that leaned towards ‘the Americans’ more than it did towards ‘Europe’. During the Bush Jr. administration,

however, the UK increasingly considered itself – and came to be considered – part of an EU that was unified in defying the US and in saving the Kyoto Protocol (read: the planet?). More than ever, the EU during this phase appeared to be the 'leader' in international climate change politics.

With regard to leadership, Markus Jachtenfuchs claims that, from the outset, the leadership role that the EU designed for itself in international climate change politics worked as a bracket that held the EU together (Jachtenfuchs, 1996: 124). This can broadly be subscribed to, but with important qualifications.

In the beginning, the EU notion of leadership was arguably a top-down slogan, coined by *parts* of the EU regardless of whether the rest of their EU peers or third countries agreed. It was, in discursive terms, the partially strategic attempt by some EU actors to set the dominant discourse in the field. However, discourse is a slippery affair, and these deliberate attempts failed. The leadership notion was only temporarily effective in aligning the EU; by the mid-nineties, symptoms of fatigue had become visible.

Currently, however, this notion of the EU as leader seems to be more popular than ever. Interviews for this study indicate that it is widely embraced by EU actors. Still, the development of the outside again has been crucial in this respect. As a leader can only be thought of in relation to both 'followers' and 'those that are not leading', the actions of the Bush Jr. administration have assisted the EU in reviving the spirit to be 'on top' of international negotiations in the climate change field.

Overall, the developments of the last years have enabled the EU to create a common narrative for its actors in the field of international climate change politics. Respondents seemed to draw on the same plot, one that depicts an EU that had to fight both internal divisions and an 'evil' external antagonist. In the accounts of respondents, the EU succeeded in both and is now at the forefront of global efforts to save the planet. This narrative is invaluable as a means of identification, as glue between EU actors.

The EU level

In the light of what has been said, it can be claimed that conflicts as 'predicted' by conventional EIS occupied only a small part of (EU) international climate politics.

However, how can or should this 'result' be interpreted in the wider context? One option is to assert that the international level is structurally different from the EU level and that conventional EIS pertains only to the former. A more radical alternative consists of questioning 'conventional' interpretations of politics on the EU level as well.

Findings from this research support the second option. They suggest that the 'statehood' signifier, also on the EU level, has neither fully dominated meaning making and identity formation nor been able to uphold its key position in recent years. Even in the case of the carbon tax, statehood was only one of the many signifiers structuring the debate, although the tax project is widely seen as *the* example of how sovereignty concerns trumped ecological concerns in the making of EU climate change legislation. To give but one example, Ute Collier argued with hindsight that

the lack of EU competence in the energy area has been a major obstacle to the agreement of effective measures in the energy efficiency and renewable energy fields. Furthermore, one of the proposed instruments, the carbon/energy tax, suffered as fiscal measures have been notoriously difficult to agree at the EU level, with the Member States keen to guard their sovereignty in such matters. (Collier, 1997: 43)

As emerged from this study's interviews, the tax proposal was not exclusively thought of in terms of potential sovereignty loss. The tax opposition did not concentrate solely on this issue but on a variety of aspects (e.g. that taxes were a blunt instrument or potentially harming industries). Moreover, rejecting the tax for fear of 'losing sovereignty' was denounced as ideological by many Commission *and* Member State respondents.

That the sovereignty signifier was decisive in the 'downfall' of the tax nevertheless (the proposal never managed to pass the unanimity hurdle for tax matters) underlines a significant structural feature of the EU level. Here, far more than on the international level, the statehood signifier is anchored in 'frozen discourses' that are embedded in formal institutions or procedures. Because of their legal entrenchment and 'sedimentation', these frozen discourses can, so-to-speak, 'suspend' new dynamics and suppress new alternative discourses in the respective field. In the case of the carbon tax, the fact that the proposal at one time enjoyed the support of all but a small minority of Member States (Peterson & Bomberg, 1999: 182) was irrelevant.

Their support was nullified by the legal condition that the proposal had to be unanimously accepted under the consultation procedure – a legal condition that, somewhat paradoxically, in former times had been introduced to explicitly safeguard Member State sovereignty in this domain.

This incongruence, however, was hardly reflected by scholarly accounts of the tax, which focused on signs of Member State resistance. Instances of loyalty – or even identity formation – *across* institutional borders were disregarded, although they had emerged during the legislative process. Such ‘cross-identities’ or ‘cross-loyalties’ developed, in particular, between those that regarded themselves as the EU’s ‘environmental avant-garde’, not least between ‘progressive’ parts of the EP and their Commission counterparts. Their declared common aim was to enhance EU progress by interlinking ecology and economy and advancing ‘smart’ new measures for that matter.

Although the carbon tax failed, it may have heralded a broader shift in discourse, not unlike the discursive shift on the international level. On both levels, discourse was increasingly dominated by ‘managerial’ signifiers. The specific quality of this shift on the EU level was that environmental politics, and especially climate change politics, were increasingly thought of in economic terms (e.g. as a product of a malfunctioning market or similar). Consequently, climate change was progressively seen as a *technical* problem to be addressed by *technical* means, and its ‘political’ dimension moved to the background. Already at the outset of this development, Angela Liberatore pointed out that for the carbon tax

economic arguments have been crucial in “legitimizing” – providing a sound/convincing basis for – an instrument mainly decided at the political level. In this respect, economic arguments had been interwoven with and reinforced by technical arguments and evidence. (Liberatore, 1995: 67)

With the mounting support for introducing what was to become the EU-ETS in the second half of the nineties, this new kind of ‘managerial’ discourse experienced a breakthrough, and it has continued to rise ever since. The ETS, which from its beginning was associated with ‘unpolitical’ notions such as ‘market’ and ‘(cost) effectiveness’, never had to confront any serious *political* resistance, and the few remaining concerns have since faded.

Sovereignty considerations have been remarkably absent in ETS discussions. In the name of 'output', the main priority was to create a functioning ETS market. During this process, Member States and their 'particular interests' came to be seen as irrational and as threatening the whole project and EU progress. In contrast, the Community, and especially the Commission, were increasingly perceived as guarantors of a working system *in defiance of* the Achilles heel that was the Member States. Consequently, Member States were increasingly willing to transfer competences to the Community level. Moreover, many of them not only tolerated but also actively demanded Commission participation and intervention. Accordingly, Member States did not interpret the considerable extension of Community/Commission rights envisaged by the proposal for a revised ETS, contained in the 2008 energy and climate package, in terms of competence snatching or sovereignty loss. Instead, they welcomed this development as a means to ensure the future efficiency of the scheme. Consequently, discussions and 'bottlenecks' that developed around the ETS revolved around other issues than competence distribution.

A similar picture emerged for other parts of the energy and climate package, such as target setting. In the future, the Commission will not only decide on the ETS allowances for each specific EU country, but it will also set individual targets for emissions not covered by the ETS. The matter-of-factness with which the Member States agreed on this devolution of competence sharply contrasts with how 'burden sharing' was approached in the mid-nineties. At that time, Member States declared target setting a matter of sovereignty, and Commission and EP were 'naturally' excluded from the actual negotiations. In recent years, however, target-setting has followed a general trend, whereby Member States have strongly supported and positively welcomed intensive Commission contribution in preparing 'the EU' for the next phase of climate change politics on both levels.

Green biotechnology politics

The international level

At first sight, the field of green biotechnology politics differs from that of climate change politics in crucial aspects. Notably, whereas there is a general consensus

within the EU that climate change poses grave problems, the same is not true for green biotechnology; the extent to which the genetic modification of food, feed, or seeds is related to risks is still undecided and heavily debated in the EU. Against this backdrop, the EU eschewed a leadership role on the international level in early phases of the biosafety negotiations. After all, a clear EU pronouncement on this level would have concurred with taking sides on the general question of whether green biotechnology was indeed risky business.

In these early phases, the EU was less dominated by *equivalence*, and EU *esprit de corps* was altogether low. EU actors rather thought of each other in terms of *differences*. These differences were predominantly 'taken over' from the EU level, where supporters and sceptics of green biotechnology opposed each other. Nonetheless, Member States did seem to agree on one issue: that of the mandate question. In dealing with this, Member States found and discovered their 'sameness' in opposing the Commission and its 'intrusion' of state territory (in a figurative sense).

The mandate question, however, was not uniquely dominated by state-related signifiers. Member States did not oppose a mandate exclusively because they associated it with sovereignty loss. Rather, they saw the Commission as an outside in several respects. The Commission was not part of the gang, as Commission staff had not been around as long as many of the Member State representatives had. It also lacked the expertise on which many of its Member State counterparts prided themselves. Hence, the Member States viewed the Commission not as their equal but as their inferior.

Despite this initial situation, crucial changes in the relation between EU actors occurred over the years. In time, a distinct sense of belonging grew between the different EU actors and this EU 'inside' explicitly included the Commission. The Commission was no longer seen as a 'greenhorn' in matters of biotechnology and biosafety, but as a definite asset, as an additional source of expertise for 'the' EU. This altered setting of meaning making and identity formation meant that, even in the context of the mandate question, the sovereignty signifier forfeited much of its dominant role and structuring function over the years. In recent decisions on Commission mandates, the group of Member States opposing such a mandate has shrunk considerably. Opponents now confront not only the Commission, but also a remarkable number of Member States that are convinced of Commission (negotiating) expertise and thus support Commission mandates. In short, 'expertise'

has managed to largely outplay state-related signifiers, even in crucial aspects of competence distribution.

Also in this context, the formation of a distinct EU identity has emerged in reference to a 'threatening' outside. This outside against which the EU demarcated itself has again been the US. The distinct 'advantage' of biosafety negotiations is that the US has proven to be a stable other in this context. Changes in administration had no perceptible influence either on the overall US policy in this domain or on how it was seen by the EU or by third parties for that matter.

After an initial period of internal struggle, the confrontation with a solid outside helped the EU to form a stable inside in which 'dissenting' was virtually non-existent. For EU players, there was no conceivable alternative but to act as EU. In interviews, the intensity of the respondents' sense of belonging was apparent. Acting as EU was not depicted as a strategic affair but as a heartfelt necessity. Consequently, upholding unity was only partially seen as something that was needed to enhance the overall goal of EU performance. More generally, there was no longer a demand to 'rationally' argue why the EU had to stay united, as unity became something that was self-understood, that *came from within*, that almost seemed the *natural* thing to do. One was part of a family where trust prevailed and where commonalities were cherished.

The identity the EU had created for itself in international biotechnology politics surely helped to uphold this unity. In the context of biosafety, the EU varyingly presented itself as a constructive mediator, an advocate of the developing countries/civil society/the environment, and as an insightful leader who in the end was decisive in 'making' outcomes. In international biosafety negotiations, 'being' the EU was something to be proud of.

The EU level

Being the EU, however, proved to be much more difficult at home. As previously mentioned, the extent to which green biotechnology poses problems or is a problem has remained undecided within the EU to this very day, and the dividing line between supporters and sceptics of green biotechnology runs *across* and *through* all Member States and EU institutions. Institutional affiliation in the green biotechnology issue has been important only to the extent that Member States or institutions in their

entirety were perceived by others as either 'pro' or 'anti' green biotechnology. The Commission, for instance, was predominantly seen as part of the 'pro', trade-friendly camp (Toke, 2004: 188); Austria, on the other hand, was known as an 'anti' Member State.

Overall, the discursive field of EU green biotechnology politics has been dominated by the competition of two discourses: one relating green biotechnology to risk and one relating it to opportunities. The dynamics between the two have been decisive for meaning making and identity forming; to give an example, these dynamics dominated how policymakers' preferences concerning competence distribution were shaped. State-related signifiers played only a subordinate role.

Green biotechnology is a prime example of a field whose discursive structuration precludes any attempt of analytical appropriation through conventional EU thinking. The most visible example in this respect is the 'co-existence' debate. Here, 'the Commission' (under the aegis of DG Agriculture) repeatedly advocated the principles of subsidiarity and 'Member State autonomy'. It firmly rejected binding EU legislation (and, hence, Community competences) in this area. The Member States, on the other hand, were lukewarm at best about retaining competences in this area.

In other contexts, both GM supporters and sceptics advanced a further communitisation and ostensive 'de-politicisation' of green biotechnology in the hope of a sedation and consequent sedimentation of the field. For example, most Member States opted for a further centralisation of authorisation procedures for GM food and feed even at a time when green biotechnology had become a highly salient political issue. In a move to 'depoliticise' the issue, risk assessment was transferred to the newly created EFSA, from which both sides expected objective and definite decisions. Even EFSA, however, could not bring about the desired closure, as it was drawn into the discursive dynamics of the overall field. Sceptics soon regarded it as yet another part of the 'pro' GM coalition.

In the roughly two decades that green biotechnology has been a field of EU legislation, signifiers such as statehood and sovereignty have played a marginal role. As the example of competence distribution shows, sovereignty considerations have been virtually absent in this respect. The same appears to apply to identity formation. States hardly conceive of themselves as forming one group; instead, they see two opposing camps of GM supporters and sceptics.

However, even in EU green biotechnology politics, state-related signifiers have asserted themselves in one specific area of the overall territory: the safeguard clause. In the past, every time Member States had to vote on national bans of GMOs, they voted against the will of the Commission and in favour of the respective Member State. In this context, the divides between Member States lost their significance. The majority of Member States felt compelled to guarantee the *autonomy* of their peers in matters of green biotechnology, despite communitisation of the issue (which many of them advocated in principle). Increasingly, Member States regarded votes on the 'rightfulness' of safeguard clauses as instances where they could and had to save 'peers' from Commission force. However, this Member State solidarity has never been all-encompassing, as some countries still vote 'against' their fellow Member States. A regular in this group is, strikingly enough, the UK. Nevertheless, it has to be said that the overall number of such Member State 'secessionists' is almost invariably low.

To date, green biotechnology on the EU level has remained a largely undecided field. Recent developments further strengthen this impression. Since Stavros Dimas has assumed the office of Commissioner, for instance, DG Environment has seemingly adopted a far more 'sceptic' attitude towards green biotechnology, in contrast to the openly 'GM supportive' DG Agriculture (Euractiv, 2006a). Hence, discursive dynamics in this domain indicate that 'the' Commission cannot be regarded *a priori* as a bounded entity with a monolithic interest. In this sense, green biotechnology politics challenges what John Peterson and Elizabeth Bomberg have termed '[o]ne of the most enduring myths surrounding EU decision-making ... that the Commission is a purposive, single-minded institution' (Peterson & Bomberg, 1999: 39). As the story of green biotechnology tells us, this applies neither to the Commission nor to any other EU 'actor' for that matter.

A new view on EU environmental politics? Discourse theory revisited

Analysing the cases of climate change and green biotechnology politics with the help of DT/DA in lieu of conventional approaches has been fruitful in several respects. First, DT/DA has highlighted the shortcomings of this strand of EIS, especially its tendency to provide a rather black-and-white account of the relations between EU institutions and Member States. DT/DA offers alternative readings and, in a way, prevents us from scientifically reifying everyday discourses. In the analysis of both cases, state-

related signifiers dominate meaning making and identity formation only in singular, specific instances. Moreover, in recent discursive developments, these signifiers have increasingly been pushed to the margins. Likewise and consequently, 'conventional' assumptions on EU politics only partially pertain to the cases researched.

Considering what has been said so far, conventional EIS can be considered first and foremost a product of its time. Research that focused on the 'opposition' between EU Member States and EU institutions thrived especially during the 1990s; many of its assumptions seem to echo the general political atmosphere in the EU after 1992 when the 'debacles' of the Danish and the French referenda set the tone for renewed and reinvigorated euroscepticism. By relying on analytical instruments that were designed in this era, however, conventional EIS misses many of the developments that have occurred ever since.

DT/DA has been beneficial in drawing attention to *alternative* ways of meaning making and identity formation that have emerged and 'prospered' among EU policymakers in recent years. One of the most striking 'findings' in this context has been an ever more manifest EU identity on the international level. In both climate change and green biotechnology politics, a discursive shift can be traced; statehood and state interest are no longer dominant, as key signifiers such as EU performance have widely come to set the tone. In the course of this development, Member States have become significantly more willing to give up 'prerogatives' if it serves the overall EU 'cause'. In climate change politics, this is most visible in the new system of issue leaders and lead negotiators. In biosafety negotiations, Member States even support Commission mandates to maximise the likelihood of a positive outcome for 'the EU'. Particularly on the international level, working *united* and *as EU* have reached an almost unquestioned status. To most EU actors, thinking in EU terms has come to present itself as the only feasible option.

In the context of identity formation, the international level has had a distinct 'advantage' over the EU level. On the international level, 'true' outsides can be found, that is, outsides *outside* of the EU. These have been crucial in developing an EU identity. Admittedly, demarcation from the US has been a vital factor in the EU's identification process and this has not been overlooked by the scientific community. In his 2005 article, John Vogler emphasised that the issue of climate change 'has been allowed to acquire a defining character for the EU in opposition to the United States' (Vogler, 2005: 849). In more general terms, he argues, together with Charlotte

Bretherton, that '[c]onstructions of a "power" identity for the EU [i.e. that of a "normative power EU"] ... conceptualize the USA as the Union's other', and that

particular significance should be attributed to attempts to distance the EU from the USA on the basis of superior commitment to core values – precisely because these are claimed to be shared Western values. To construct the Union as morally superior asserts its independent identity. (Bretherton & Vogler, 2006: 43)⁵²

Another crucial difference between the levels is their degree of discursive structuration. On the international level, EU discourses are still rather fluid because only part of them have been legally fixed. On the EU level, however, meaning making and identity forming are re-enacted daily by discourses frozen in EU internal legal provisions and procedures.

These frozen discourses, however, are mostly reifying 'traditional' ways of thinking the EU. A piece of legislation will define, for instance, the share of competences accorded to 'the' Commission or 'the' Parliament. During legislation itself, parliamentary groups or MEPs may differ greatly. Nevertheless, after the vote in the EP, the result is seen as the will of 'the' Parliament and, as such, juxtaposed to the will of, for instance, 'the' Council. Consequently, although cross-coalitions or cross-loyalties emerge and exist, they are continuously 'flooded' by older and more settled discursive logics embedded in the EU's formal-institutional setting.

Moreover, on the EU level, Member States are generally expected to act just like that: as *states* representing their alleged *state interests*. This is different from the international level, where acting as the EU nowadays has often become the mantra. In the words of a Member State respondent, international negotiations had a certain solidarising effect within the EU, as, on this level, 'to push through your own position [sic] within the EU was not the priority'.

Discursive structuration on the international level, on the contrary, is particularly low in the case of environmental politics. Behind the label of mixed competence, a vast

⁵² This research has repeatedly highlighted the EU's attempts to present itself as a 'better' alternative to the US. Hence, this study could easily be associated with literature depicting EU as a 'normative power' (see Manners, 2002). However, there are clear differences between the two. Whereas in this research, the process of the construction of an EU identity is analysed and *problematised*, this is decidedly not the case in 'normative power' literature. In the literature, 'normativity' is presented as an essential feature of the EU, and originates in the EU's 'special' history, formal setup, and other EU characteristics (for a critical discussion of 'normative power Europe', see T. Diez, 2005).

'grey' area of contingency opens up. Decisions on who is going to speak for the EU so far have often been made in an ad hoc, pragmatic fashion and to a lesser extent have been based on 'hard' legislation. Hence, 'creating' the institutional setup of the EU on the international level has above all been a trial-and-error process widely undisturbed by 'frozen' or 'defrosted' discourses. This has provided the platform for the development of 'modus vivendi' forms of coordination and representation, depicted in this work and elsewhere (see Delreux, 2008). These informal practices coexist with and flourish in the shadow of formal settings, as the EU's system of issue leaders and lead negotiators in international climate change politics illustrates. It is here that discourses beyond the state-related signifiers have been able to find both their expression and future breeding ground.

Given the differences between the EU level and the international level, it is intriguing to investigate when the two converge or interfere with each other. A telling example of this interaction is the 2008 energy and climate package. The package basically concerned future policies on the EU level, but it was also linked to the 'fate' of the EU internationally. Internal success (of the package) and international success (of the EU) were tied together. Although the package contained sensitive and far-reaching proposals, they passed through parliament at an amazing speed because MEPs did not want to endanger EU leadership on the international level by hampering progress 'at home'.

In the case of green biotechnology, no legal act raised as little attention as the regulation that 'transposed' the Cartagena Protocol into EU legislation (Regulation (EC) No 1946/2003 on transboundary movements of genetically modified organisms). Similar to the energy and climate package, internal discussions on issues of green biotechnology came to a halt when an international EU cause needed to be buttressed. In the words of an EP respondent, the general argument for not starting or engaging in debates at the time was 'that is only the Cartagena Protocol and that is what we all support and that is that'. In short, when the EU and international level touched, their respective discursive settings touched as well. In the examples, this meant that the *outside* of the international level was inserted into the EU level. Passing legislation was seen in relation to promoting 'the EU' against others. Hence, even on this level inserting a veritable outside had a unifying effect.

DT/DA also alerts us to the fact that discourses follow trends and adopt 'successful' signifiers from discourses and imaginaries in other fields. In our cases, the extent to

which signifiers such as effectiveness and expertise enjoyed increasing popularity was striking. Discursively, both the field of climate change and the field of green biotechnology politics have endorsed the same 'managerial' signifiers that are predominant in other, wider meaning systems. There has been an ever-growing conviction of EU actors that knowledge, expertise, and other 'skills' are a prerequisite for 'sound' policies within the EU and for EU leadership in international negotiations ('knowledge is power'). In addition, as both climate change and biotechnology have come to be seen as *scientific* and *complex*, policymakers in these fields seem to prefer an approach of the same kind.

The turn towards managerial signifiers has largely had a depoliticising effect. Giving up what once would have been termed Member State 'autonomy' or 'sovereignty' has arguably been facilitated by the rise of these ostensibly 'apolitical' signifiers. Increasingly, *who* does the job (in terms of institutional affiliation) is no longer crucial as long as the job is done and done well. In this respect, the Commission need no longer be the outsider, opposing the Member States. Instead, what could be observed in the cases analysed is that Member States repeatedly endorsed Commission opinion and participation. The Commission, in these contexts, was no longer predominantly the states' 'institutional other', but a valuable source of, for instance, expertise, continuity, or negotiating experience.

If anything, states and state-related signifiers are increasingly considered to be a hindrance to EU performance, progress and effectiveness. Over the last two decades, many competences in the field of climate change politics and green biotechnology politics have been willingly transferred by Member States to the Community level, rather than being 'snatched' by the Commission. Above all, this transfer has been enabled by discursive environments in which the common EU good has become an overall imperative, but in which Member States and 'their' interests have also been linked to irrationalism and failure. Strikingly, the latter thought seems to have become internalised even by Member State representatives *themselves*. That these representatives adjust their behaviour accordingly and advocate far-reaching communitisation is one of the most stupefying findings in the framework of this research.

So far, the 'traditional' discourses in place have managed to domesticate these new managerial signifiers and to make them part of the inside. In most of the dominant discourses in our cases, state-centred signifiers *coexist* with the new generation of key

signifiers. In exchange for this expansion or stretching of discourses, the discourses' internal inconsistencies have increased considerably. However, these inconsistencies have so far largely gone unnoticed. A case in point is the system of lead negotiators and issue leaders. This system has largely reduced the role of the rotating Presidency *with the explicit approval* of Member States. At the same time, its selection criteria match many of the 'features' with which the Commission is commonly associated. On the informal level, Member State representatives have hence created a system that clearly accommodates the Commission. However, when the Member States are confronted with the mandate question, they vehemently reject more Commission influence.

Member States display a similar 'split personality' when it comes to the EU-ETS. They have been keen to vest the Commission with all the principal competences for future phases of the EU-ETS, a scheme that decides on the future emission reductions of over 10,000 installations in the energy and industrial sectors. These installations are collectively responsible for forty percent of the EU's total GHG emissions, and their operating parameters will be tremendously impacted by the EU-ETS in the coming decades. That Member States agree on expanding Community competences in this context is puzzling, given their staunch refusal to accept Community 'intrusions' into their realm of energy policy as soon as interventions are officially linked to this policy field and labelled as such.

As long as these seemingly contradictory constellations work – and this still is the case – we can only guess whether state-related signifiers will lose their importance over time, or whether 'when push comes to shove', they will be rediscovered and revived by Member States.

In this respect, coming developments could give the first indications of how this question will be decided in the context of international climate change politics. Here, signs that the Commission could ask for a negotiating mandate in the short term are growing stronger. Oberthür argues that this move will provoke a fierce reaction by the Member States, as

this option goes beyond incremental change of informal practice and may come closer to a system change. Determined opposition by several Member States eager to preserve their influence on an increasingly important area of foreign policy and to avoid giving ground on a matter of principle may be expected. (Oberthür, forthcoming)

On the other hand, it is questionable whether 'the' Member States would be willing to relinquish the current system of coordination and representation and to return to a state of more 'sovereignty' under the rotating Presidency. Whatever the answer will be, future developments in this area are eagerly being awaited.

Epilogue

So that's it, then, is it? Can we now simply conclude that the EU is on its way to an ever closer, ever 'greener' Union, and thank discourse theory for this 'new' insight?

In the hope that this is not the main, let alone the only message of the book, I would like to take this final opportunity to insert some nuances and caveats.

The first concerns the scientific status and self-conception of this research and is an attempt to revivify one of the most important statements that have been made in that respect. What I have put down in written form here is *how I* read the 'snippet' of reality that I have been investigating for the last four years. It is how I have made meaning of meaning making in this context.

I still embrace the idea of a science that does not work on an authoritarian basis, with scientists *claiming* authority because of their alleged access to objective knowledge through 'right' theories and methodologies. Hence, I strongly invite everyone to disagree with this research. The grounds on which you could do so are numerous. You may not like my selection of respondents, or that of cases, or that of citations. More fundamentally, you could doubt whether my depiction of conventional EIS is appropriate, whether what I have called key signifiers are really key, or whether I have been able to cope with the well-known problem of 'defining' the limits of discourses. My biggest concern in this respect is not whether these points can or will be raised, but whether I have been open enough not to stifle them, while still making clear why I proceeded the way I did. That said, one of the fun bits of science is just that – initiating and leading a scientific discussion.

As far as the more empirical side of my work is concerned, I would like to add some further comments. Some concern the EU level, some concern the international level, and all of them could be called somewhat personal.

With regard to the EU level, I hope that scholars, myself included, can find a way to eschew cliché-painting EU politics, reifying – although admittedly on a far more sophisticated level – commonplace notions of 'Brussels' and the Member States. Maybe attempts in this direction would allow EU conflicts to be re-evaluated and downsize their symbolic charge. In the end, most of these 'squabbles' do not seem so different from political struggles on the national level, where, however, they are

commonly regarded as an expression of pluralism rather than as a symptom indicating the malaise of a whole system. Still, the fact that struggles on the EU level are often seen in the terms of the latter hints at the fragility of the 'European project', especially when contrasted with the success story that the notion of 'nation states' has had in the last centuries. As Louise Phillips and Marianne Jørgensen put it, national identity has come to be

taken for granted as natural and is therefore not questioned. As opposed to this, the question of European identity belongs to the domain of the political ... it is something that is explicitly discussed and thought over, and consequently it is easier to imagine how it could be changed. (Phillips & Jørgensen, 2006: 57)

In the cases that I have researched, a distinctly 'European' identity seems to have formed on the international level. This research, however, focused on elites only, and any statements about identity are limited to this context. Against this backdrop, two aspects are worth further investigation: firstly, whether similar processes of identity formation have occurred in other areas, and, secondly, whether these processes extended beyond political elites to include 'the public' or 'the people'.

In this research, 'the people' have not merely been absent because of the analytical focus. Rather, signifiers such as 'citizens' or 'democracy' have hardly been mentioned in the 'texts' that have been analysed. This absence pertained to climate change politics more than to green biotechnology politics. In interviews on green biotechnology, citizens were 'present', albeit reduced to their role as 'consumers'.

The absence of 'democratic signifiers' may certainly be a mere coincidence. In the light of the abundance of 'managerial' signifiers, however, this absence could also support Jenny Edkins's assertion that 'what we call "politics" is an area of activity that in modern Western society is "depoliticized" or "technologized"' (Edkins, 1999: 1). It can be argued that both climate change and green biotechnology politics have largely become what Chantal Mouffe calls 'post-political politics' (see Mouffe, 2007). In these fields, the antagonisms and conflicts of 'real politics' have made way for pragmatic problem-solving, for finding a good solution. Here, 'the people' are only present inasmuch as their implicit consensus is assumed.⁵³

⁵³ It goes without saying that the absence of 'real politics' in the EU becomes increasingly problematic. Both in the context of the European Union as well as in national contexts, populist parties and politicians are increasingly successful in winning votes by promising to support 'the citizen' against elite technocracy.

Barring the question whether a united and green Europe ultimately includes 'the people', the notion of an EU identity needs to be critically challenged from other angles as well. First, having a green identity does not necessarily mean acting green. In fact, only a few EU Member States will be able to meet their Kyoto commitments. In past years, this circumstance seemed to be of little importance because the EU was commonly regarded as the only international actor at least doing *something* to tackle the emissions problem. Needless to say, the EU's green identity on the international level has, at times, deflected its shortcomings in 'walking the talk'.

Moreover, how lasting will a 'green Europe' be, especially in the context of climate change politics? This question is now more pertinent than ever, given that the 'United States is no longer absent without leave' in this context, but 'ready to lead and determined to make up for lost time' (U.S. Department of State, 2009). An 'America' under President Obama could most likely deprive the EU of the stable outside it enjoyed in the past years (see also Van Schaik, 2009), and it remains to be seen what the 'EU' reaction will be, apart from generously offering the US 'co-leadership' in climate matters (Euractiv, 2009b). In recent years, the demarcation against the US has been both crucial and fruitful for the EU. It was, to put it in Heideggerian terms, the boundary with 'others' from which the EU began its presencing (cf. Bhabha, 1994). If these boundaries crumble, to what extent will this destabilise 'the EU'?

Last of all, how can we possibly judge the emergence of an EU identity in general? After all, it would be fallacious to assume that *having* a common EU identity (just as 'being united') is desirable. Likewise, it would be foolish to think that any EU identity is necessarily 'good'. This aspect needs to be emphasised in this context, as, in recent years, many Europeans seem to have found the idea of a good 'David' Europe against a ruthless 'Goliath' America extremely appealing. This arguably pertained to environmental politics. However, even more visibly, it pertained to 'foreign affairs' such as the war on Iraq.

These black-and-white categorisations and 'normative' EU notions come at a price: they largely obscure the less attractive sides of the EU in us-versus-them relationships. After all, as 'others' are often depicted as inferior, they are treated accordingly. In this respect, it must not be forgotten that anti-American chauvinism has soared to new heights in the EU over the last years.

Beyond the US-EU relationship, more blatant examples of a not-so-normative EU can be found, but they usually attract little attention. A prime case in point is the EU's common immigration policy. This is a field in which the us-versus-them relation finds its most physical and probably most cruel expression in the miserable conditions and incidents on what are now *EU* borders. Accounts of the circumstances on the Isle of Lampedusa (Italy) or around the Spanish enclaves of Ceuta and Melilla (Morocco) are hard to match with the image of a normative, green and human-rights-embracing EU.

However, the EU is neither intrinsically good nor intrinsically bad. It is, to use one of the most abused clichés in EIS and IR, 'what we make of it'. The EU has often been described as a moving target, and this study may confirm this impression. For the academic and the 'real' world, the EU has been and still is a source of both frustration and fascination. It is full of contradictions and inconsistencies, and its development has always defied reliable predictions. It belongs to the sites where, to speak with Richard K. Ashley and R.B.J. Walker, 'identity is never sure, community is always uncertain, meaning is always in doubt' (Ashley & Walker, 1990: 261). In short, in what we commonly call Western politics, there is hardly any construction which embodies post-structuralism more vividly than the European Union.

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Abbreviations

AIA	Advance Informed Agreement
BSWG	Working Group on Biosafety
CBD	Convention on Biodiversity
CDA	Critical Discourse Analysis
COP	Conference of Parties
COP/MOP	Conference of the Parties Serving as the Meeting of the Parties
COREPER	The Permanent Representatives Committee
CSS	Carbon Capture and Storage
DA	Discourse Analysis
DC	Developing Country
DG	Directorate-General
DRD	Deliberate Release Directive
DT	Discourse Theory
EC	European Community
ECCP	European Climate Change Programme
ECJ	European Court of Justice
EFSA	European Food and Safety Agency
EIS	European Integration Studies
ENVI	Committee on the Environment, Public Health and Food Safety (of the European Parliament)
EP	European Parliament
EU	European Union
EU-ETS	EU Emissions Trading Scheme
ExCOP	Extraordinary Conference of Parties
G77	Group of Seventy-Seven
G8	Group of Eight
GHG	Greenhouse Gas
GM	Genetically Modified
GMO	Genetically Modified Organism
HSS	Hegemony and Socialist Strategy
INC	Intergovernmental Negotiating Committee
IR	International Relations
LMO	Living Modified Organism
MEA	Multilateral Environmental Agreement
MEM	Major Economies Meeting

MEP	Member of the European Parliament
MLG	Multi-Level Governance
NAP	National Allocation Plan
OECD	Organisation for Economic Co-operation and Development
PA	Principal-Agent
SAVE	Specific Action for Vigorous Energy Efficiency
UK	United Kingdom
UNCED	United Nations Conference on Environment and Development
UNFCCC	United Nations Framework Convention on Climate Change
WGLR	Working Group of Legal and Technical Experts on Liability and Redress
WPIEI (CC)	EU Council Working Party on International Environmental Issues – Climate Change
WTO	World Trade Organisation

Summary

The rationale of this research was to question crucial commonplaces in the field of European Integration Studies (EIS). To be certain, EIS is a vast field and is composed of different approaches and schools of thought. The common denominator of EIS research is merely its object, the European Union in the widest sense. Yet, when considering the overall diversity of subjects found in the field, it is puzzling to find that many EIS publications share certain 'conventional' assumptions about the EU's 'inner life'. These assumptions revolve around the notion that EU Member States, on the one hand, and EU institutions (such as the European Commission or the European Parliament), on the other hand, naturally conflict. The general impression that has been conveyed is that, throughout the past decades of European integration, EU Member States and EU institutions have incessantly fought over – to put it in the words of Harold Dwight Lasswell – 'who gets what, when, how'. The distribution of competences between the actors is depicted as a continuous bone of contention, opposing EU institutions (which strive to gain a maximum of power) and Member States (which try to defend their sovereignty).

Although this is a view that is widespread in EIS, it triggers several questions. When scholars, for instance, interpret something as a competence struggle between 'Brussels' and the Member States – where does this interpretation derive from? To what extent is it an interpretation shared by policymakers involved in the conflict? In what terms should policymakers themselves depict what is transpiring?

The answers to these questions are highly relevant, regardless of their material outcome. To arrive at these answers, the basic and very simple idea of this research was to trace the patterns of meaning making and identity formation of policymakers involved in EU decision-making. These patterns were compared to the patterns of interpretation suggested by 'conventional' EIS, i.e., those parts of EIS which presuppose an intrinsic conflict between EU institutions and EU Member States and regard this conflict as all-pervasive in EU politics.

As EU policy-making was too extensive to be analysed in its entirety for these purposes, the research was limited to EU environmental politics and specifically to two cases: climate change politics and green biotechnology politics. What predisposes EU environmental politics as a field, and climate change and green biotechnology as cases, is that they are 'normal, yet salient'. Environmental politics is

an everyday field of EU politics. The attention it has so far attracted has varied over time. It belongs to the large bulk of fields in which what has become the 'normal' mode of EU decision-making (co-decision) applies. Environmental politics has not stopped at the EU borders; instead, the EU has become party to the myriad of Multilateral Environmental Agreements (MEAs) that exist on the international level. On both levels and in both cases, issues have at times been highly neuralgic, and fierce controversies have resulted. To what extent do these controversies fit into the pattern depicted by conventional EIS? What other patterns can be detected? To what extent do patterns of interaction vary as we advance from one level to the other?

To answer these questions, 51 interviews have been conducted with policymakers who have been central in either climate change or green biotechnology politics during the past 25 years, which is when both fields emerged in EU politics. To trace the patterns of meaning making and identity formation, these interviews have been the object of discourse analysis.

For this analysis, the choice was made to use concepts offered by the so-called Essex School, and especially the work of Ernesto Laclau, both as a theoretical background and as a 'conceptual toolkit'. For the purposes of the research – which were exploratory rather than explanatory – these concepts were open enough to ensure that the analysis of the interviews was not overshadowed by antecedent research hypotheses formulated by the executing scientist.

During the analysis, patterns of meaning making and identity formation emerged which were different from the ones depicted by conventional EIS. This pertained to both cases.

CONCLUSIONS PER CASE: CLIMATE CHANGE POLITICS

In international climate change politics, contentions as depicted by 'conventional' EIS can be found with regard to specific issues only (e.g. the question of who speaks in the name of the EU during international negotiations). They are not, however, all-pervasive. These conflicts are more often related to the *formal* questions of EU coordination and representation than to the actual practices in this area. Moreover, in recent years the EU's internal 'schisms' considerably lessened in the process of common demarcation against the US as an opponent. Instead, a distinctly 'European'

identity developed as well as a sense of urgency to enhance the EU's performance on the international level. Against this backdrop, a new coordination and representation system was created that reduced the Presidency to an almost managerial task and rendered the difference between Commission and Member State staff largely irrelevant. In addition, EU unity was increasingly put upfront on this level, as EU actors came to regard dividedness as a threat to the common cause.

For the EU level, discourse analysis indicates that in the majority of instances, controversies and schisms between actors were discursively structured in a way that did not follow institutional borders. This opened up the possibility of 'cross-loyalties', i.e., loyalties between parts of the Commission, parts of the Parliament and parts of the Member States. This was the case even in areas which are commonly seen in EU institutions vs. Member States terms (e.g. the carbon tax). In addition, on this level individual Member States and their specific interests have come to be associated with hampering overall progress in recent years. As a consequence, many Member States have become more willing to both transfer more competences to the Community level and accord more scrutiny to EU institutions, especially to the Commission. Examples are the changes agreed for the third phase of the EU Emissions Trading Scheme and the sharing out of targets included in the energy and climate package.

CONCLUSIONS PER CASE: GREEN BIOTECHNOLOGY POLITICS

Just as in the case of climate change politics, a common EU spirit has very visibly emerged on the international level of green biotechnology politics – after a period of contentions both between the Member States and the Commission (about a Commission negotiating mandate) and between Member States themselves. Despite this initial situation, a distinct sense of belonging grew between the different EU actors. In recent decisions on Commission mandates, the group of Member States opposing such a mandate has shrunk considerably. Also in this context, the formation of a distinct EU identity has emerged in reference to the US as opposition. The confrontation with the US helped the EU to become a quasi-monolithic actor. 'Dissenting' within the EU was virtually non-existent.

'At home', on the EU level, the main dividing line did not run between EU Member States and EU institutions but between supporters and sceptics of green biotechnology. Institutional affiliation in the green biotechnology issue has been

important only to the extent that Member States or institutions in their entirety were perceived by others as either 'pro' or 'anti' green biotechnology. This basic conflict dominated how policymakers' preferences concerning competence distribution were shaped. Up until now, controversies between an 'anti' and a 'pro' GMO camp have largely moved potential contentions between EU institutions and EU Member States to the background, even in instances of competence distribution. Conflicts as assumed by 'conventional' EIS only appeared in one specific issue area (i.e. the 'safeguard clause').

GENERAL CONCLUSIONS

In this research, discourse analysis helped to problematise meaning making and identity formation among EU policymakers in the cases of climate change politics and green biotechnology politics. The patterns which emerged during the analysis differed from those presupposed by 'conventional' EIS, and should induce us to reconsider our everyday assumptions about the relationship between EU institutions and EU Member States. In both case studies, a *collective* European identity developed on the international level. On the EU level, loyalties and identities often formed *across* EU institutions and Member States. Thinking, acting and competing in terms of 'Brussels' vs. 'the Member States' still exists, but it is by no means the dominant way of meaning making and identity formation.

Samenvatting

De grondgedachte van dit onderzoek was, belangrijke gemeenplaatsen van de studie van de Europese Integratie (*European Integration Studies*, kortweg EIS) in een kritisch daglicht te stellen. Het terrein van de EIS bestrijkt een breed gebied en omvat verschillende benaderingen en richtingen. De gemeenschappelijke noemer is in feite niets meer dan het onderzoeksobject: de Europese Unie (EU) in de ruimste zin van het woord. Gezien de grote diversiteit van onderwerpen die binnen de EIS worden aangesneden is het verbazingwekkend dat veel publicaties niettemin bepaalde 'conventionele' aannames over het 'innerlijk leven' van de EU delen. Deze aannames draaien om het vermoeden dat de lidstaten van de EU als vanzelfsprekend in conflict zijn met de EU-instituties, zoals de Europese Commissie of het Europese Parlement. De indruk wordt gewekt dat de lidstaten en de EU-instituties gedurende de afgelopen decennia onophoudelijk hebben gevochten om – in de woorden van Harold Dwight Lasswell – 'who gets what, when, how'. De verdeling van bevoegdheden tussen de actoren wordt afgeschilderd als een voortdurende steen des aanstoots, als gevolg waarvan EU-instituties (die streven naar meer macht) en lidstaten (die hun soevereiniteit willen verdedigen) lijnrecht tegenover elkaar staan.

Hoewel deze zienswijze binnen de EIS wijd verbreid is, komen toch vragen op. Wanneer onderzoekers bijvoorbeeld iets als een competentiestrijd tussen 'Brussel' en de lidstaten interpreteren – waaraan is deze interpretatie dan ontleend? In hoeverre wordt deze kijk op de zaak door beleidsmakers die bij het conflict betrokken zijn gedeeld? In welke termen zouden beleidsmakers zelf de gebeurtenissen omschrijven?

Het fundamentele en eigenlijk zeer eenvoudige idee van dit onderzoek was, beter zicht op het probleem te krijgen door te kijken naar de patronen van betekenisgeving en identiteitsvorming van beleidsmakers bij het nemen van beslissingen binnen de EU. Deze patronen werden vervolgens vergeleken met de interpretatiepatronen die door de 'conventionele' EIS gesuggereerd worden, dat wil zeggen door die delen van de EIS die uitgaan van een intrinsiek en alomtegenwoordig conflict tussen EU-instituties en lidstaten.

Omdat het maken van beleid binnen de EU te breed is om in zijn geheel te analyseren, is het onderzoek beperkt tot EU-milieubeleid en – binnen dat terrein – tot twee casus: klimaatbeleid en het beleid met betrekking tot genetisch gemodificeerde organismen (ggo's). Wat EU-milieubeleid als onderzoeksgebied en klimaatbeleid en ggo-beleid als

casus geschikt maakt is dat deze 'gewoon, maar prominent' zijn. Milieubeleid is een alledaags gebied van EU-beleid. De aandacht die het tot nu toe heeft getrokken is niet altijd even hoog geweest. Milieubeleid is één van de vele gebieden waarop de 'gewone' manier van EU-besluitvorming, de zogenaamde co-decisie procedure, van toepassing is. Milieubeleid stopt daarnaast niet aan de Europese grenzen. De EU is als partij betrokken bij diverse multilaterale milieuverdragen. In beide casus heeft zowel EU-intern als internationaal een aantal soms zeer heikele kwesties gespeeld. Deze hebben geleid tot heftige discussies. In hoeverre komen deze conflicten overeen met de patronen die door de 'conventionele' EIS geschetst worden? Of kunnen ook andere patronen aangetoond worden? En in hoeverre veranderen deze patronen wanneer we onze blik verplaatsen van het Europese naar het internationale niveau?

Om deze vragen te beantwoorden zijn 51 interviews gehouden met beleidsmakers die in de afgelopen 25 jaar (dus sinds het bestaan van deze beleidsvelden op EU-niveau) nauw betrokken zijn geweest bij het klimaatbeleid of het ggo-beleid. Om patronen van betekenisgeving en identiteitsvorming te kunnen achterhalen werden deze interviews onderzocht met behulp van discours analyse.

Voor deze analyse werden concepten ontleend aan de 'Essex School', met name aan het werk van Ernesto Laclau. Deze concepten werden niet alleen als theoretische achtergrond maar ook als 'conceptuele gereedschappen' gebruikt. Gezien de doelstelling van het onderzoek – die eerder explorerend dan verklarend is – waren deze concepten open genoeg om te waarborgen dat de analyse niet gedomineerd zou worden door onderzoekshypothesen die vooraf door de uitvoerende wetenschapper geformuleerd waren.

Tijdens de analyse kwamen patronen van betekenisgeving en identiteitsvorming naar voren die anders waren dan de patronen die door de 'conventionele' EIS beschreven worden. Dit gold voor beide casus.

CONCLUSIES PER CASUS: KLIMAATBELEID

In het internationale klimaatbeleid konden geschillen zoals beschreven door de 'conventionele' EIS alleen gevonden worden als het ging om specifieke onderwerpen, bijvoorbeeld bij de vraag wie spreekt namens de EU tijdens internationale bijeenkomsten. Dergelijke conflicten waren echter niet alles bepalend. Ze bleken vaak

gerelateerd aan *formele* vragen van coördinatie en vertegenwoordiging en zelden of nooit aan beleidsinhoudelijke kwesties. Bovendien namen de controverses binnen de EU in de afgelopen jaren aanzienlijk af naarmate de EU zich meer begon af te zetten tegen de Verenigde Staten (VS). In plaats daarvan ontwikkelde zich een goed waarneembare 'Europese' identiteit en een gevoel van urgentie om de prestaties van de EU op het internationale niveau te verbeteren. Tegen deze achtergrond werd een nieuw stelsel voor coördinatie en vertegenwoordiging in het leven geroepen. Dit stelsel reduceerde het voorzitterschap tot een bijna bestuurlijke taak en maakte het verschil tussen Commissie en lidstaten grotendeels irrelevant. Ook werd op het internationale niveau de eenheid binnen de EU steeds meer benadrukt. Verdeeldheid werd in toenemende mate beschouwd als iets wat de gemeenschappelijke zaak in gevaar bracht.

Voor het EU-niveau gaf de discours analyse aan dat controverses en scheuringen tussen de actoren discursief meestal zo gestructureerd waren dat zij de institutionele grenzen niet volgden. Dit maakte de weg vrij voor het ontstaan van *cross-loyalties*, dat wil zeggen loyaliteiten tussen delen van de Commissie, het Parlement en de lidstaten. Dit was zelfs het geval bij onderwerpen die doorgaans in termen van 'EU-instituten versus EU-lidstaten' worden beschreven, zoals de fel omstreden CO₂-heffing. Bovendien werden op dit niveau de individuele lidstaten en hun eigen belangen steeds meer gezien als een belemmering voor de algemene vooruitgang. Dientengevolge groeide bij veel lidstaten de bereidheid meer competenties naar het Gemeenschapsniveau, en vooral naar de Commissie, te verplaatsen. Voorbeelden waren het Europese systeem voor emissiehandel en de onderlinge verdeling van de doelstellingen uit het energie/klimaat-pakket.

CONCLUSIES PER CASUS: GGO-BELEID

Net als in het klimaatbeleid ontwikkelde zich ook ten aanzien van het internationale ggo-beleid een zeer zichtbare, gezamenlijke Europese 'geest'. Dit gebeurde na een periode van twisten tussen de EU-lidstaten en de Commissie, onder meer over een onderhandelingsmandaat voor de Commissie, en tussen de lidstaten onderling. Deze uitgangspositie ten spijt groeide in de loop van de tijd een waarneembaar saamhorigheidsgevoel tussen de verschillende Europese actoren. In recente onderhandelingen was de groep lidstaten die zich tegen een

onderhandelingsmandaat voor de Commissie verzette aanzienlijk kleiner dan voorheen. Ook in de context van het ggo-beleid bleek een afzonderlijke Europese identiteit zich vooral te hebben gevormd in referentie tot de VS als tegenstrever. De confrontatie met de VS hielp de EU om een bijna monolithische actor te worden. Het innemen van een afwijkende positie binnen de EU was vrijwel geen optie meer.

'Thuis', op EU niveau, verliep de belangrijkste scheidslijn niet tussen de lidstaten enerzijds en de EU-instituties anderzijds, maar tussen de voor- en de tegenstanders van biotechnologie. Institutionele verbindingen waren alleen relevant in de zin dat lidstaten of instituties in hun totaliteit als 'voor' of 'tegen' biotechnologie waargenomen werden. Dit basisconflict domineerde het debat. Controverses tussen de fracties 'voor' en 'tegen' biotechnologie overheersten mogelijke twisten tussen EU-instituties en de lidstaten, zelfs in gevallen waar competentieverdeling centraal stond. Conflicten zoals voorzien door de 'conventionele' EIS ontstonden slechts op één specifiek terrein, namelijk in verband met de zogenoemde 'vrijwaringsprocedures'.

ALGEMENE CONCLUSIES

In dit onderzoek heeft discours analyse geholpen om betekenisgeving en identiteitsvorming onder EU-beleidsmakers op het gebied van klimaatbeleid en ggo-beleid te problematiseren. De gevonden patronen zijn anders dan de patronen die de 'conventionele' EIS veronderstelt en geven aanleiding, gangbare aannames over de verhouding tussen EU-instituties en EU-lidstaten opnieuw tegen het licht te houden. In beide beleidscasus heeft zich op het internationale niveau een *gezamenlijke* Europese identiteit tussen de beleidsmakers ontwikkeld. Op EU-niveau constateren we in veel gevallen een ontwikkeling van loyaliteiten en identiteiten die over de grenzen tussen EU-lidstaten en EU-instituties heenreiken. Het gebeurt nog steeds dat actoren in termen van 'Brussel tegen de lidstaten' denken, handelen en concurreren, maar dit is geenszins de overheersende manier van betekenisgeving en identiteitsvorming.

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It's been more than three months since I handed in the draft for this book, and one should therefore think that I had enough time to ponder on what to write in these acknowledgements. Yet I have to admit that, during that time, my ideas about how to conceptualise this part of the book have been constantly changing. At some point, I wondered whether to include acknowledgements after all – why not simply *say* to all those people who I am about to mention, and to whom I am deeply indebted, how grateful I feel towards them?

In addition, I spent the last weeks at a distance from the campus and from Nijmegen in general. Being away and immersing myself in all kinds of non-academic activities, I increasingly came to view the time of my PhD research as an already faraway and somewhat strange episode of the past. Writing acknowledgements seemed an ever harder task, obstructed by my own fickle memories.

As I am writing this, I am on my way back from a two-day trip to Nijmegen. I had forgotten Nijmegen's warmth – a warmth which can be ascribed to the city's geographical location of course, but which must also be related to the fact that life there is so much slower than in the west, and that people there seem to have an implicit contract of making social life as easy-going as possible.

To be sure, I would not want to write a thesis ever again. Yet, had I not written this one and had I not decided to come to Nijmegen, it would have meant missing out on many things that defined and structured my life in the past four years.

The Monday-morning coffees with the Milieu en Beleid bunch

The Friday-evening drinks in the Cultuurcafe

My project which was squeezed in between these two time posts.

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Against this backdrop, it can be concluded that not doing a PhD, not writing a thesis, not coming to Nijmegen would have been just one stupid blunder.

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Curriculum vitae

Kathrin studied Political Sciences and Modern History at the University of Hamburg, graduating with a thesis on EU leadership in international climate change politics (2000 - 2004). From 2005 to 2009 she was a junior researcher/Ph.D. candidate at the Department of the Political Sciences of the Environment at Radboud University Nijmegen. Kathrin is currently managing a project on sustainable food and labelling at the Netherlands Nutrition Centre, The Hague.

